

NINETEENTH REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS FOR CANADA

FOR THE YEAR ENDING DECEMBER 31

1923

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OTTAWA
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1924

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

Hon. F. B. CARVELL, K.C., *Chief Commissioner.*

S. J. McLEAN, M.A., LL.B., Ph.D., *Assistant Chief Commissioner.*

Hon. W. B. NANTEL, K.C., LL.D., *Deputy Chief Commissioner.*

A. C. BOYCE, K.C., *Commissioner.*

C. LAWRENCE, *Commissioner.*

Hon. FRANK OLIVER, *Commissioner.*

A. D. CARTWRIGHT,
Secretary.



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OF THE
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CANADA

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REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS FOR CANADA

To the Governor in Council:

Pursuant to the provisions of section 31 of the Railway Act, 1919, the Board of Railway Commissioners for Canada has the honour to submit its Nineteenth Report for the year ending December 31, 1923.

Since the publication of the last report there have been no amendments made to the Railway Act, 1919.

PUBLIC SITTINGS OF THE BOARD

During the year covered by the period from January 1, 1923, to December 31, 1923, the Board held 48 public sittings at which 190 applications were heard. The number of public sittings held in the various provinces were as follows:—

Provinces	Number
Ontario.....	27
Quebec.....	1
Manitoba.....	3
Saskatchewan.....	2
Alberta.....	7
British Columbia.....	6
Nova Scotia.....	2
New Brunswick.....	0
Total.....	48

The applications include a great variety of matters falling within the jurisdiction of the Board under the Railway Act, varying from the complaint of a private individual to weightier matters of general public interest affecting the community as a whole.

FORMAL AND INFORMAL MATTERS

The number of informal matters dealt with by the Board, as distinguished from matters heard at public sittings, constitute a considerable percentage of the total applications and complaints dealt with by it; that is to say, of a total of 3,288 applications and complaints received and dealt with by the Board 94 per cent were disposed of without the necessity of such formal hearing. These informal complaints, dealt with and settled without the necessity of hearing, entail in many instances a considerable amount of inquiry and consideration on the part of the Board's officials, and cover a wide range of subjects, as, for example, a complaint of a more or less trivial nature to a matter of general public interest affecting the community as a whole, or involving the application of some general principle, regarding the railway rates.

RAILWAY GRADE CROSSING FUND

In accordance with the provisions of subsection (5) of section 262 of the Railway Act, 1919, provision was made that the sum of \$200,000 each year, for ten consecutive years from the 1st day of April, 1919, was appropriated and set apart from the consolidated revenue fund for the purpose of aiding in the providing by actual construction work of protective safety, and conveniences for the public in respect of highway or crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board, subject to certain limitations set out in the Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st day of April, 1909, and the 31st day of December, 1923, 554 Orders, providing protection for 614 crossings as follows:—

By Automatic half interlocking plants.....	2
" Closing crossings.....	23
" Diversion highways.....	47
" Diversion highway and bridge.....	1
" Diversion highway and removal view obstruction.....	1
" Electric bells.....	265
" Electric bell and flash light.....	1
" Electric bell and removal view obstruction.....	2
" Electric bell and wig-wag.....	62
" Electric bell and wig-wag and removal of view obstruction.....	5
" Easing curve on approach to highway bridge.....	1
" Gates.....	118
" Gates and half interlocker.....	1
" Overhead bridges.....	25
" Removal view obstructions.....	21
" Removal view obstructions and reducing grade.....	1
" Shelter.....	1
" Subways.....	58
" Towers.....	3
" Wig-wags.....	13

It will be seen by comparing the total number of crossings protected with the Eighteenth Annual Report of the Board, that the increase for the twelve months ending December 31, 1923, in the number of crossings protected, number 51, made up as follows:—

By Automatic half interlocking plants.....	2
" Closing crossings.....	6
" Diversion highways.....	7
" Electric bells.....	3
" Electric bell and flash light.....	1
" Electric bell and removal view obstruction.....	1
" Electric bell and wig-wag.....	19
" Electric bell, wig-wag and removal view obstruction.....	5
" Gates.....	2
" Gates and half interlocker.....	1
" Removal view obstruction.....	7
" Removal view obstruction and reducing grade.....	1
" Subways.....	3
" Wig-wags.....	4

NOTE.—Fifty-one crossings and 62 protections consequent on account of double wig-wags at one crossing, double bell and wig-wag at six crossings and four diversions closing five crossings.

It will be noted that under the new consolidated Railway Act provision is made that the total amount of money to be apportioned and directed and ordered by the Board to be payable from the annual appropriation, shall not in the case of any one crossing exceed twenty-five per cent of the cost of the actual construction work in providing such protection, and shall not in any

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such cases exceed the sum of \$15,000, and that no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality, or more than once in any one year to any one crossing.

Subsection (3) of section 262 of the consolidated Railway Act provides that in case any province contributes towards the said fund, the Board may apportion, direct and order payment out of the amount so contributed by such province, subject to any conditions and restrictions made and imposed by such province in respect of its contribution.

GENERAL ORDERS

The following is a brief summary of some of the matters dealt with under the Board's General Orders:—

Direction that the Board's General Order No. 370 and Rule 33 of the General Train and Interlocking Rules be amended by striking out the last sentence of the said Order and substituting the words, "Where gates are provided, a red light must be displayed by night. In both cases such light shall be hooded so as to show along the highway only."

Direction that the Exchange and Toll line form of Agreement (No. 650) and Service Station form of Agreement (No. 651) to be entered into between the Bell Telephone Company and any other company, municipality or corporation having authority to construct or operate a telephone system or line be approved and that the Board's General Order No. 114 be rescinded.

Direction of the Board approving of Supplement No. 20 to the Canadian Freight Classification No. 16.

Direction of the Board that the "Uniform Rules governing the determination of visual acuity, colour perception and hearing of railway employees" be amended by substituting the following:

"20-30 combined not less than 20-50 in either eye without glasses. When combined vision without glasses is not less than 20-50 and either eye not less than 20-70, or nil, and by the aid of glasses combined vision can be brought to not less than 20-30, enginemen must wear glasses. See Rules 8, 9, 10, 13, 15, 17 and 18.

Direction that the rules relative to the inspection of locomotives and tenders, as prescribed by the Board's General Order No. 289, be amended by striking out the last paragraph and inserting in lieu thereof the following:

"*Pilots.*—All locomotives in road service, excepting engines operating in strictly international service on the main lines of the Boston & Maine, Maine Central, Rutland, New York Central and Great Northern Companies, shall be equipped with pilots projecting not less than $24\frac{1}{2}$ inches from the back of the upright which the pilot is built on, to the nose of the pilots; the minimum height from the rail to be 3 inches; and the maximum 6 inches. Pilots shall be securely attached, adequately braced and maintained in a safe and suitable condition for service. All such locomotives shall be fully equipped by December 31, 1925."

Direction of the Board that the word, "Traffic" in the first line of Section 345 (1) (a) of the Railway Act, 1919, should be read as though preceded by the word, "Freight."

Direction that paragraph 1685 of the Rules and Regulations approved by the Board's General Order No. 204, be struck out and the following substituted therefor:

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"1685. (1) On lines where regular trains are operating in freight service only, cars containing explosives must not be hauled in a train that carries passengers.

"(2) Where only a mixed train service is operated, or where passengers are carried in a caboose car of a freight train—

"(a) a car containing a shipment of explosives (not exceeding 5,000 pounds) may be hauled, provided the explosives are contained in but one car, the said car to be so placed in the train that not less than six freight cars are between it and the car carrying passengers and not less than two freight cars between it and the locomotive hauling the train;

"(b) a car containing a freight shipment of explosives (not exceeding 1,000 pounds) may be hauled, provided the said car be so placed in the train that not less than three freight cars are between it and the car carrying passengers and not less than one freight car between it and the locomotive hauling the train.

"(c) Provided, further, that in the case of a shipment exceeding 5,000 pounds, or should there be two or more cars containing explosives at any one time, a special train must be run to carry such shipments over the Branch or Mixed Train run.

"(d) Whenever it is practicable to do so, cars containing explosives must be placed between freight cars not bearing "ACID" or "INFLAMMABLE" placards. Cars containing explosives must have air and hand brakes in service."

Direction that the current rates on grain and grain products to Pacific Coast ports for export be reduced uniformly ten per cent; and that all railway companies subject to the jurisdiction of the Board file tariffs, effective not later than October 22nd, 1923, showing such reduction; also that all milling, malting, storage, cleaning or bagging in transit privileges on grain now contained in the tariffs be unaffected by the Board's Order.

Direction of the Board that the rules relative to the inspection of locomotives and tenders, as approved by General Order No. 289, be amended by adding the following paragraphs:—

"TENDERS"

"(a) *Feed Water Tanks*.—Tanks shall be maintained free from leaks and in safe and suitable condition for service. Suitable screens shall be provided for tank wells or tank hose.

"(b) Not less frequently than once each month, the interior of the tank shall be inspected, and cleaned if necessary.

"(c) Top of tender behind fuel space and the running boards on coal hopper type tender shall be kept clean. Suitable covers shall be provided for the filling holes; and, where a coping is in use behind the fuel space, means must be provided to carry off waste water."

Direction of the Board that Section 27 of Shipping Container Specifications No. 6 of the Regulations for the Transportation of Explosives and Other Dangerous Articles by freight, be cancelled and the following substituted therefor:—

"27. Cases constructed of solid fibre millboard composed of not less than 50 per cent sulphite fibre must have heads flanged out, both flanges being stitched to the case, sides, top and bottom, with flat wire

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not less than $\frac{1}{8}$ " wide and of suitable thickness spaced not more than $1\frac{1}{2}$ " apart; the width of flanges on heads and diaphragms must not be less than 1", including the fillet: Provided that closing by means of end flaps and gluing, as specified in paragraphs 20 and 26, is also permitted."

GENERAL DECISIONS AND RULINGS OF THE BOARD

Submitted herewith, epitomised, are some of the more important matters dealt with by the Board at its public sittings for the year ending December 31, 1923. For other principal judgments of the Board see Appendix "A" to this report.

NOVA SCOTIA SHIPPERS ASSOCIATION V. DOMINION ATLANTIC RAILWAY COMPANY

Tolls—Freight—Reduction—Branch Line—Main Line—Traffic—Out-of-Pocket Expenses—Service

Under certain conditions higher tolls may be properly charged to or from points on a branch line than to or from points on a main line with similar mileage. Upon an application for the reduction of freight tolls charged on a branch line to the same basis as those in force on a main line, the Board will consider the difference in the tolls charged; the amount and importance of the traffic; and the ability of the branch line to meet expenses and will refuse to grant a reduction where the income is not sufficient to meet the out-of-pocket expenses necessary to afford the service. Review of Cases.

The facts are fully set out in the Judgment of the Assistant Chief Commissioner, December 26, 1922, concurred in by the Chief Commissioner.—Can. Ry. Cas., Vol. 28, p. 95.

VILLAGE OF COTEAU LANDING V. GRAND TRUNK RAILWAY COMPANY

Disused spur—Diverted Main Line—Adequate Facilities

The Board refused to order a railway company to provide cars for shipping freight over a disused spur, formerly part of a main line afterwards diverted, where adequate facilities were available for shippers at a station one and one half miles distant by a good highway. C.N.R. v. Robinson, 6 C.R.C. 101; Township of Brooke Farmers v. G.T.R., 26 C.R.C. 335, distinguished. Rossland Board of Trade v. Great Northern Railway Company, supra, p. 24, and other cases referred to.

The facts are fully set out in the Judgment of the Assistant Chief Commissioner, January, 4, 1923, concurred in by the Chief Commissioner, Deputy Chief Commissioner, and Commissioner Boyce.—Can. Ry. Cas., Vol. 28, p. 42.

ARMSTRONG, WHITWORTH OF CANADA, LIMITED V. QUEBEC, MONTREAL & SOUTHERN RY. CO.

Tolls—Interswitching—General Order No. 252—Maximum Legal Rate

Where the rate from a shipping point on one railway to a junction point with a connecting railway, plus the interswitching rate (when applicable under General Interswitching Order 252) from the junction point to a private siding at a station on the connecting road, is lower than a published joint rate from the shipping point to that station, the lower rate so built up is the one to which a shipper of the siding is entitled. It is the maximum legal rate and it is not to be treated as merely a combination of local rates, but as the effective through joint rate from the shipping point to the siding. The circumstance that the

siding is at a station quite separate from the junction station does not prevent the application of the interswitching rate if the point of unloading or delivery is within four miles of the point of interchange. But the General Interswitching Order does not apply to traffic loaded at a point on one railway and destined to a point on another railway within the same switching district or within adjoining switching districts covered by local switching tariffs to and from the point of interchange.

(Getzler Case *In re* Freight Toll on Pig Iron, 27 C.R.C. 458, explained and distinguished. *In re* Joint and Local Tolls, 10 C.R.C. 343; G.T.R. v. C.P.R. and City of London, 6 C.R.C. 327, and G.T.R. and C.P.R. v. Canadian and British American Oil Cos., 14 C.R.C. 201, referred to.)

The facts are fully set forth in the Judgment of the Asst. Chief Commissioner, January 9, 1923, concurred in by the Deputy Chief Commissioner and Commissioner Boyce. C.R.C. Vol. 28, p. 362.

RAQUEPAS V. GRAND TRUNK RY. CO.

Where a railway was constructed prior to the Railway Act of 1888 and the company had provided a farm crossing, though not obliged to do so, which was afterwards closed for more than twenty years, the Board has no jurisdiction to restore the easement which has thus become extinguished. A farm crossing was ordered to be built at the cost of the applicant under Section 273.

The facts are fully set forth in the Judgment of Commissioner Boyce, January 24, 1923, concurred in by the Asst. Chief Commissioner and Deputy Chief Commissioner.—Can. Ry. Cas., Vol. 28, p. 149.

SPANISH RIVER PULP & PAPER MILLS LTD. V. C.P.R. ET AL

Tolls—Unjust Discrimination—Newsprint and Blank Wallpaper—Mileage Comparisons—Competition

Actual detriment resulting from increased competition of the same product in the same market, due to a difference in tolls, is necessary to establish unjust discrimination; mere mileage comparisons without detail as to traffic moving are not conclusive nor mere "paper" rates under which no commodity is moving. Unjust discrimination is not established by a comparison of value of service arising from a difference in tolls on articles which are not competitive.

The Board held that tolls on newsprint and blank wallpaper from Sturgeon Falls and Espanola to Toronto at a higher rate than were in effect for the greater mileage from Montreal and Lachute was not unjust discrimination, since there was no movement of such paper commodities from Montreal and Lachute and therefore no competition.

Michigan Sugar Co. v. C.W. & L.E. Ry. Co., 11 C.R.C. 353; Anthony v. P. & R. Ry. Co., 14 I.C.C. 58 and other cases referred to.

The facts are fully set out in the Judgment of the Asst. Chief Commissioner, 22nd January, 1923, concurred in by Commissioner Rutherford.—Can. Ry. Cas., Vol. 28, p. 100.

DOMINION SHEET METAL CORPORATION LTD. V. GRAND TRUNK AND CANADIAN PACIFIC RY. COS.

Tolls—Galvanized Iron Sheets—Competition—Producer's disadvantages—Discrimination—Jurisdiction

The Board has no power to equalize freight rates so as to overcome the producers' cost disadvantage.

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It is within the discretion of the railways to determine whether rates shall be established to meet the competition of markets and where rates are not unreasonable or unjustly discriminatory the Board will not interfere.

A reduction in tolls on galvanized iron sheets from Hamilton to Winnipeg to meet competition from Milwaukee, a point 480 miles nearer Winnipeg, was refused.

Western Retail Lumbermen's Ass'n. v. C.N.R. et al., 20 C.R.C. 155; Can. Portland Cement Co. v. G.T.R. et al, 8 C.R.C. 209, and other cases followed.

The facts are fully set out in the report of the Board's Chief Traffic Officer, January 22, 1923, concurred in by the Board.—Can. Ry. Cas., Vol. 28, p. 84.

GREAT WEST SAND & GRAVEL CO. ET AL V. CANADIAN PACIFIC RY. CO.

(Birds Hill—Winnipeg Rates on Sand Case)

Tolls—Sand and Gravel—Differential—Unjust Discrimination—Comparisons Based on Mileage—Blanket Rates

The Board refused an application to restore the rates on building sand, gravel and crushed stone in carloads from Birds Hill to Winnipeg by maintaining the same differential from shipping points to Winnipeg that existed in 1909. A comparison of the rates charged on the same materials in the neighbourhood of other large centres in Canada, showed that the Birds Hill to Winnipeg rate was reasonable and that Birds Hill is not unjustly discriminated against by reason of the rates from other points, applying the following principles (a) when distance has not been the controlling factor in making rates, mere comparisons based on distance do not establish unjust discrimination; (b) mileage is often a minor consideration when blanket rates are fixed for any distance up to 50 miles.—C.R.C., Vol. 28, p. 378.

Re TRAFFIC AGREEMENT, EDMONTON, DUNVEGAN & B.C. RY. CO., et al.*Jurisdiction—Traffic Agreement—Sanction of Governor in Council—Railway Act, 1919, Secs. 151, 154 (2), (3)*

The Board has no jurisdiction to dispense with the sanction of the Governor in Council as regards a traffic agreement which falls under sections 151 or 154, subsections 2 and 3.

In re Grand Trunk & Quebec, Montreal & Southern Ry. Cos., 23 C.R.C., 101, followed.

The facts are fully set out in the Judgment of the Assistant Chief Commissioner, February 5, 1923, concurred in by Commissioners Rutherford and Lawrence.—Can. Ry. Cas., Vol. 28, p. 127.

SEAPORT AGENCIES LTD. V. BRITISH COLUMBIA TELEPHONE CO.

Jurisdiction—Telephone Directory—Advertising Appendix—Regulation of—Special Contract

The publication of an advertising appendix to a telephone directory is not an obligation of a telephone company under the Railway Act but is a matter of special contract with the subscribers and therefore beyond the jurisdiction of the Board.

Judgment of the Assistant Chief Commissioner, February 6, 1923, concurred in by the Chief Commissioner and Commissioner Boyce.

MINNESOTA PAPER CO. V. NORTHERN PACIFIC RY. CO.

General Order 350, effective December 1, 1921, providing for reductions in "domestic freight rates within Canada," is applicable to a movement from one point in Canada to another, notwithstanding that the major part of the movement takes place in the United States.

A freight rate from one Canadian point to another which was originally established mainly to meet the competition of a much shorter route from a neighbouring shipping point in the United States, was increased by authority of General Order 308, effective September 20, 1920. The rate from the Canadian point was subject to the jurisdiction of the Canadian Railway Board, which ordered a general reduction in rates by General Order 350, effective December 1, 1921, whereas the rate from the United States point, being subject to the Interstate Commerce Commission, was not reduced till January 8, 1922. Held that General Order 350 applied to the rate from the Canadian point and that that rate should have been reduced as of December 1, 1921, notwithstanding its competitive nature.

The facts are fully set out in the report of the Chief Traffic Officer, February 7, 1923, approved by the Board.—Can. Ry. Cas., Vol. 28, p. 168.

P. BURNS AND CO. V. CANADIAN NATIONAL EXPRESS CO.

Express Companies are not required to place shipments destined to points where there are not regular express agencies within the shelters erected at such points by the railway companies pursuant to the Board's orders. Express shipments left at such stations are thereafter at the risk of the shipper or consignee as to loss or damage.

Methods of handling L.C.L. freight and express shipments at flag stations contrasted.

The facts are fully set out in the report of the Chief Traffic Officer, March 2, 1923, approved by the Board. Can. Ry. Cas., Vol. 28, 161.

DOMINION CARTRIDGE CO. V. CANADIAN PACIFIC RAILWAY CO.

General interswitching Order No. 252 applies only to traffic loaded or unloaded within four miles from the point of interchange, and the rates therein provided are not applicable to any movement which exceeds that distance.

The facts are fully set out in the report of the Chief Traffic Officer, March 29, 1923, approved by the Board. Can. Ry. Cas., Vol. 28, p. 178.

SLADE AND CO. V. DOMINION EXPRESS CO.

Carriers—Shipment—Cheapest Route—General Rule—Particular case

In the absence of specific routing instructions the general rule is that the burden is on the carrier to ship by the cheapest route, but the facts in a particular case must be considered such as the time, handling and damages over the longer route, as against the more direct route, and the advantages accruing from the greater despatch.

The Dominion Express Co. was held to be justified in billing a shipment of fruit and vegetables from Keremeos to Vancouver over the Canadian Pacific Ry. via Princeton (225 miles), although a higher rate prevailed than was charged by the American Express Co. over the Great Northern Ry. (428 miles) because the goods would reach Vancouver in 24 hours, whilst the longer route required four days.

Reference to Similkameen Farmers' Institute v. C.P.R. and G.N.R., 24 C.R.C. 125.

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The facts are fully set out in the Judgment of the Assistant Chief Commissioner, April 16, 1923, concurred in by the Chief Commissioner and Commissioner Boyce.—Can. Ry. Cas., Vol. 28, p. 145.

IN RE REDUCED RATES AND FREE TRANSPORTATION

Traffic—Freight—Railway Act, 1919, Sec. 345 (1) (a)—Interpretation

The word "traffic" in the first line of Sec. 345 (1) (a) means "Freight traffic."

The facts are fully set out in the Judgment of Commissioner Boyce, May 14, 1923, concurred in by the Chief Commissioner and Commissioner Lawrence.—Can. Ry. Cases, Vol. 28, p. 140.

ALBERTA FISH CO. V. DOMINION AND CANADIAN NATIONAL EXPRESS COS.

Tolls—Express—Fish—Coast—Interior—Chicago—Competition—Weight Basis

Shipments of fresh water fish to Chicago from points north of Edmonton do not compete with salt water fish from Prince Rupert but do compete with fish from Manitoba.

Where fish moves from Manitoba to Chicago in June or July and from Alberta in August and September there is no active competition in the sense of shipments from both districts at the same time.

While the rate on fish to Chicago from Prince Rupert may be applied to shipments from Edmonton, the rates on shipments from the latter point (as from all interior points) must be based on the classification weight, viz net plus 25 per cent and not on the net weight as in shipments from Prince Rupert.

The Board held that the express rate on shipments of fish from Prince Rupert to Chicago should not be applied to shipments from points north of Edmonton but that the rates from these points to Edmonton should correspond on a mileage basis with the rate from Edmonton to Chicago.

The facts are fully set out in the report of the Board's Assistant Chief Traffic Officer, May 15, 1923, concurred in by the Board. Can. Ry. Cas., Vol. 28, p. 384.

CROZIER V. CANADIAN PACIFIC RAILWAY COMPANY

"Farm crossing" includes an undercrossing. The right in respect of farm crossings is not a right related to the time of construction or to the individual owning the land when the railway was constructed but it is a right running with the land and is not affected by lapse of time. The statutory right to farm crossings is not discharged by implication.

In re Cockerline and Guelph & Goderich Ry. Co., 5 C.R.C. 313, *Harris v. Great Northern Ry. Co.*, 21 C.R.C. 193, followed.

A cedar box culvert 4 feet by 5½ feet was built under the railway at the time of its construction through a farm in 1892 cutting off 25 acres next a river from the remainder of the land and was used as a cattle pass. The railway company desired to substitute a 36-inch concrete pipe. There was no agreement between the original owner and the railway company as to the maintenance of a cattle pass. A subsequent owner who purchased the farm in 1897 was held entitled to the use of an opening convenient and proper for the purpose of a cattle pass.

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The facts are fully set out in the Judgment of the Assistant Chief Commissioner, May 22, 1923, concurred in by the Chief Commissioner, Commissioner Boyce and Commissioner Lawrence.—Can. Ry. Cas., Vol. 28, p. 157.

RANDELL, GEE & MITCHELL V. CANADIAN PACIFIC RAILWAY COMPANY

Refund Refused to Shipper—Tariff Charged for Bulkheading Grain Cars

The Board refused to approve the refund to a shipper of an amount paid for doors used as a bulkhead in grain cars.

The facts are fully set out in the Judgment of the Assistant Chief Commissioner, May 25, 1923, concurred in by Commissioners Boyce and Lawrence.—Can. Ry. Cas., Vol. 28, p. 323.

TOWNSHIP OF HAMILTON *et al* V. CANADIAN NATIONAL RAILWAYS *et al*

Where two railways crossed the same highway within a short distance of one another, one by a level crossing and the other overhead, it was found on the facts that obstruction of view by the overhead crossing was not a direct cause of danger at the level crossing, and held, that, in any event, as the overhead crossing had been constructed by order of the Board and as the two crossings were distinct, the company owning the overhead crossing should not be ordered to contribute to the cost of protection at the level crossing.

Re G.T.R. and Toronto & York Radial Ry. Co. (West Hill Crossing Case) Board's Judgments, Vol. 10 (1920), pp. 211, 374, distinguished.

The facts are fully set out in the Judgment of Commissioner Boyce, June 13, 1923, concurred in by the Chief Commissioner, Assistant Chief Commissioner and Commissioner Lawrence.—Can. Ry. Cas., Vol. 28, p. 180.

LOWER ST. LAWRENCE POWER COMPANY V. CANADIAN NATIONAL RAILWAYS

Transmission Line—Paralleling Railway Telegraph Line—Interference—Removal

The Board authorized the construction of a transmission power line of 33,000 volts from Rimouski to Riviere Metis a distance of about 22 miles, on a private right of way close to and paralleling the railway right of way, but on the opposite side from that occupied by the telegraph lines subject to change or removal if its operation proves to be a serious interference with the operation of the telegraph lines.

Railway Act, 1919, section 372, referred to.

The facts are fully set out in the Judgment of the Chief Commissioner, July 4, 1923, concurred in by the Deputy Chief Commissioner and Commissioner Lawrence.—Can. Ry. Cas., Vol. 28, p. 331.

GILLESPIE TERMINAL GRAIN CO. V. CANADIAN NATIONAL RYS. AND CANADIAN PACIFIC RY. CO.

Jurisdiction—Main Line—Switching to Industry—User by Other Railway—Railway Act, 1919, Sec. 193

The Board has no jurisdiction under Sec. 193 of the Railway Act or otherwise, upon the application of a third party, to order or permit one railway company to operate over the tracks of another in order to serve the industry of such third party. Such order or permission can only be granted upon the application of the other railway company.

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Seemle. The Board has no jurisdiction to require a railway company against its will to use the tracks and facilities of another railway company.

The Board refused the application of the Gillespie Terminal Grain Company to order or permit the Canadian National Railways to operate over the tracks of the Canadian Pacific Railway to serve the applicant's elevator located on a spur from the tracks of the Canadian Pacific Railway.

The facts are fully set out in the judgment of the Chief Commissioner, July 19, 1923, concurred in by the Assistant Chief Commissioner and Commissioner Lawrence.—Can. Ry. Cas., Vol. 28, 326.

CITY OF SASKATOON V. CANADIAN NATIONAL RAILWAYS

Highways Crossed by Railway—Agreement with Municipality—Variation—Enforcement—Jurisdiction—Public Interest—Railway Act, 1919, Section 35.

Upon an application by a municipality for specific performance of an agreement with a railway company for the construction of a subway under the railway and other works, the power of the Board under Section 35 to deal with the whole question in the interests of public safety is not limited by the exact conditions of the agreement but the Board may order the enforcement of the agreement with variations.

The facts are fully set out in the Judgment of Commissioner Boyce, August 9, 1923, concurred in by the Assistant Chief Commissioner.—Can. Ry. Cas., Vol. 28, p. 339.

CANADIAN NATIONAL RAILWAYS V. MUNICIPALITY OF FORT GARRY
(ST. NORBERT STATION CASE)

Station—Agent—Regular—Caretaker—Earnings—Decrease—Determining Factors—Discretion

Although the average annual earnings at St. Norbert Station for three years exceeded \$15,000 (section 4, General Order No. 54) the Board permitted the Canadian National Railways to replace their regular agent with a caretaker agent when the earnings for the last year were less than that amount, the decrease being due to its proximity to Winnipeg (nine miles) and the extension of the Winnipeg Electric street car system, factors which would continue to permanently reduce the annual earnings. The discretion of the Board in such matters is judicial, to be exercised with regard to the particular circumstances of each case.

The facts are fully set out in the Judgment of Commissioner Boyce, August 30, 1923, concurred in by the Assistant Chief Commissioner.—Can. Ry. Cas., Vol. 28, p. 335.

MCARTHUR ENGINEERING AND CONSTRUCTION COMPANY V. CANADIAN NATIONAL RAILWAYS

Farm Crossing—User—Abandonment—Rights—Foundation—Termination

Where a railway company took for its right of way the corner of a farm and permitted the owner to cross the track to load produce at a siding such user could not in law ripen into a right to cross the railway.

The user of a crossing for a purpose now no longer necessary and abandoned prior to 1888 does not form the foundation for a right of crossing unless there is a reservation or grant thereof by deed.

(Guthrie v. C.P.R., 1 C.R.C. 1, 9, referred to.)

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The facts are fully set out in the report of Commissioner Boyce, August 11, 1923, concurred in by the Chief Commissioner, Assistant Chief Commissioner, and Commissioner Lawrence.—Can. Ry. Cas., Vol. 28, p. 333.

NATIONAL DAIRY COUNCIL V. EXPRESS TRAFFIC ASSOCIATION
Tolls—Commodity—Milk Products

The Board refused to grant an application for commodity rates on cream to be applied to milk and cream products known as ice cream mix and bulk evaporated milk.

The facts are fully set out in the Judgment of the Chief Commissioner, September 3, 1923, concurred in by the Assistant Chief Commissioner and Commissioner Boyce.—Can. Ry. Cas., Vol. 28, p. 392.

BROADVIEW RATEPAYERS' ASSOCIATION V. BRITISH COLUMBIA RAILWAY COMPANY
Tolls—Passenger—City Limits—Points Beyond—Continuation—City Rates—Maximum Mileage Rate—Justification

Where the passenger rate from points within a city to its limits is fixed, the rate to a station beyond the limits based on the rate to the limits plus the maximum mileage rate beyond as governed by section 327, subsections 1 and 3 of the Railway Act (the whole being less than that provided in the company's standard passenger tariff of maximum tolls) will not be reduced merely because a station on the far side from the city of the road forming its boundary is for practical purposes given the benefit of the city rate.

The Board adopted as its judgment the report of the Chief Traffic Officer, W. E. Campbell, recommending that the passenger rate of the British Columbia Electric Railway Company, from points within the city of Vancouver to Crown Avenue outside the city be not reduced.—Can. Ry. Cas., Vol. 28, p. 397.

RURAL MUNICIPALITY OF WILLOW CREEK V. CANADIAN NATIONAL RAILWAYS

Siding Between Stations—Improvement of Tributary Roads

The Board refused to order the construction of a siding half way between two stations nine and a half miles apart (Whittome and Brooksby) where the local municipality was unable to provide the money necessary to improve the roads tributary to these stations.

Review of cases.

The facts are fully set out in the Judgment of Commissioner Boyce, September 12, 1923, concurred in by the Assistant Chief Commissioner.—Can. Ry. Cas., Vol. 28, p. 434.

RESIDENTS OF SCLANDERS, SASK., V. CANADIAN NATIONAL RAILWAYS

Facilities—Sidings—Intermediate Stations—Distance Apart—Highways—Disadvantages

Where adequate railway facilities are not unreasonable distance apart it is not proper to direct the installation of intermediate facilities such as sidings to offset existing highway disadvantages.

The Board refused to order the installation of a siding at Sclanders, Sask., between Viscount and Plunkett stations, nine miles apart.

Rural Municipality of Willow Creek v. C.N.R. referred to.

The facts are fully set out in the Judgment of Assistant Chief Commissioner, September 17, 1923, concurred in by Commissioner Boyce.—Can. Ry. Cas., Vol. 28, p. 433.

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CITY OF SHERBROOKE V. CANADIAN PACIFIC RAILWAY *et al*

Jurisdiction—Highway Crossed by Railway—Street Railway on Highway—Contribution—Relocation of Street Railway Tracks.

The Board has jurisdiction to order a street railway company which was obliged under its contract with the municipality to lay its rails upon a public highway to contribute towards the cost of widening a viaduct carrying another railway over such highway, the cost of relocating the street railway company's tracks as distinct from its general contribution to the general cost of the work to be borne by the street railway company.

Toronto Ry. Co. v. City of Toronto and C.P.R. 20 C.R.C. 280, 53 S.C.R. 222; Bell Telephone Co. v. C.P.R., G.T.R. and City of Toronto, 14 C.R.C. 14.

The facts are fully set out in the Judgment of the Assistant Chief Commissioner, September 21, 1923, concurred in by the Deputy Chief Commissioner.—Can. Ry. Cas., Vol. 28, p. 343.

PERRIN & COMPANY V. EXPRESS TRAFFIC ASSOCIATION

Tolls—Express—Commodity Rate—Crabs and Fish Competition—Unjust Discrimination.

Competitive conditions, volume and conditions of traffic are factors to be considered in granting a commodity rate. A railway company, though obliged to charge a reasonable rate is not required to adjust its rates to guarantee a profitable business to the shipper; the needs of the business and the way in which it is carried on not being the measure of the reasonableness of the rate.

Neither unjust discrimination as forbidden by the Railway Act, nor the unreasonableness of a rate is established by shewing that a reduced rate would give the applicant a greater profit nor by comparison of distances on different portions of the railway.

The Board held that the refusal of the express companies to grant a commodity rate on crabs from Vancouver to points east of Winnipeg was neither unjust discrimination as between the product shipped by the applicant and a similar product competing with it in Eastern Canada, nor as between similar shipments of crabs and fish.

(Wright & Wimmer v. B. & O. R.R. Co., 81 I.C.C. 685; British Columbia Cities v. C.P.R., 7 C.R.C. 125; B. C. News Co. v. Express Traffic Assn., 13 C.R.C. 176 at p. 177; Canadian Portland Cement Co. v. G.T. and Bay of Quinte Ry. Cos., 9 C.R.C. 209 at p. 210; Canadian Oil Cos. v. G.T., C.P. and C.N. Rys. Cos., 12 C.R.C. 350 at p. 356, referred to.)

The facts are fully set out in the Judgment of the Assistant Chief Commissioner, September 24, 1923, concurred in by Commissioner Boyce.—Can. Ry. Cas., Vol. 28, p. 389.

PLUNKETT & SAVAGE V. EXPRESS TRAFFIC ASSOCIATION

Tolls—Distances—Comparisons—Traffic—Competition—Commodity Tariff—Season—Extension—Unjust Discrimination—Pick up Service.

A complaint of unjust discrimination is not substantiated by mere comparison of rates and distances, but the circumstances in relation to cost of construction, maintenance, operation and volume of business are material.

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Mere mileage comparisons between different sections of a railway are insufficient to make out a prima facie case and so shift the burden to the railway company; these must be supported by evidence of similarity or identity of conditions. In express as in freight traffic mileage is frequently not the basis of commodity rates, the question whether the article is a staple product, the volume of traffic, competitive conditions, and similar factors enter into the making of the rates.

The refusal by express companies to extend the effective period of a commodity rate intended to apply to field grown produce so as to embrace similar produce grown in hothouses earlier in the season is not unjust discrimination.

An express company will not be required to furnish a pick up service for traffic moving under a commodity rate and to amend its commodity tariff to include a charge therefor, merely because shippers unaware of the rates, habitually request the carrier to pick up the traffic and so subject it to a rate higher than the commodity rate.

The facts are fully set out in the Judgment of the Assistant Chief Commissioner, September 29, 1923, concurred in by Commissioner Boyce.—Can. Ry. Cas., Vol. 28, p. 402.

FARQUHARSON V. GREAT NORTHERN AND CANADIAN PACIFIC RAILWAY COMPANIES

Tolls—Non-Operative Rate—Comparison—Conditions—Applicability—Subsequent Increases.

A non-operative rate (subject when it was effective to radically different conditions) cannot be taken as the measure of the rate now properly applicable, but if so, before comparison with the present rate, it would have to be subjected to the percentage increases and variations thereof allowed since it was withdrawn.

The Board found that the tariffs and factors relied on by the applicant did not justify a reduction in the minimum weight and the rate on shipments of logs from Fernie, B.C., to Calgary, Alta.

The facts are fully set out in the Judgment of the Assistant Chief Commissioner, October 12, 1923, concurred in by Commissioner Boyce.—Can. Ry. Cas., Vol. 28, p. 410.

GUELPH RADIAL RAILWAY COMPANY V. CANADIAN PACIFIC RAILWAY COMPANY

Railway Crossing—Senior and Junior Rule—Change in Method of Operation—Apportionment of Cost.

The senior company (the Guelph Radial Railway Company) changed their method of operation from cars manned by two men to one man cars while an application was pending for additional protection at the expense of the junior company (the Canadian Pacific Railway.) The senior and junior rule was held not to apply and the cost of the additional protection rendered necessary was apportioned equally between the two companies.

The facts are fully set out in the Judgment of Commissioner Boyce, October 19, 1923, concurred in by the Chief Commissioner, Assistant Chief Commissioner and Commissioner Lawrence.—Can. Ry. Cas., Vol. 28, p. 355.

TOWN OF LEAMINGTON V. WINDSOR, ESSEX AND LAKE SHORE RAPID RAILWAY CO.

Jurisdiction—Agreement—Railway on Highway—Paving—Specific Performance—Bankruptcy of Railway Company—Railway Act, 1919, Sec. 35.

An agreement between a municipality and a railway company providing for paving a portion of a street to be occupied by the railway and the main-

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tenance thereof by the railway company during the continuance of its franchise is a provision not for the use of the railway but of the street. Such an agreement is not for the construction, reconstruction, etc., by the railway company of the railway within the meaning of section 35 of the Railway Act, which is not intended to empower the Board to compel the literal enforcement of the terms of an agreement where the result would be the bankruptcy of the railway company.

Upon the evidence the Board held that the municipality were estopped by laches for over ten years from complaining of the location of the railway on the highway but approved an offer of the railway company to relay the track on the highway where it was above the adjoining pavement.

(City of Montreal v. G.T.R. 25 C.R.C. 448, followed. Review of Cases.)

The facts are fully set out in the Judgment of Commissioner Boyce, November 6, 1923, concurred in by the Assistant Chief Commissioner.—Can. Ry. Cas., Vol. 28, p. 346.

ORDERS, GENERAL ORDERS AND CIRCULARS

The total number of orders issued for the year ending December 31, 1923, was 1,391. The number of general circulars issued by the Board, directed to all railway companies subject to its jurisdiction, was 6. The general orders as distinguished from other orders of the Board are those affecting all railway companies subject to its jurisdiction, and are 15 in number for the year.

A list of the general orders and circulars for the year ending December 31, 1923, will be found compiled under Appendix "G" to this report.

APPLICATIONS TO THE BOARD

The total number of applications, including informal complaints made to the Board for the year ending December 31, 1923, was 3,288.

TRAFFIC DEPARTMENT OF THE BOARD

In the Traffic Department of the Board the number of tariffs received and filed for the year ending December 31, 1923, was as follows:—

Freight tariffs, including supplements.....	53,096
Passenger tariffs, including supplements.....	10,776
Express tariffs, including supplements.....	2,096
Telephone tariffs, including supplements.....	2,650
Sleeping and parlour car tariffs, including supplements.....	236
Telegraph tariffs and supplements.....	18
	<hr/>
	68,892

The total number of schedules filed from February 1, 1904, to December 31, 1923, was 1,201,445.

The details of the tariffs will be found under Appendix "B" to this report.

ENGINEERING DEPARTMENT OF THE BOARD

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the year ending December 31, 1923, number 362, and cover inspections for the opening of a railway for the carriage of traffic, inspections of culverts, highway crossings, cattle guards, road crossings, bridges, subways, and general inspections falling within the scope of the work of the Engineering Department.

Under Appendix "C" will be found a detailed report of the Chief Engineer.

OPERATING DEPARTMENT OF THE BOARD

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigations into accidents causing personal injury or loss of life, the reporting on the locations of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under Appendix "D" will be found a full and detailed report of the Chief Operating Officer of the department.

ACCIDENTS AND ACCIDENT INVESTIGATIONS

On reference to the report of the Board's Chief Operating Officer, it will be seen that accidents to the number of 3,187, covering 295 persons killed and 3,597 persons injured, were reported to the Board during the year ending December, 1923, as compared with 2,588 accidents reported for the year 1922, covering 243 persons killed and 2,856 persons injured.

The figures given show:—

(1) Five passengers killed for the year ending December, 1922, and 15 passengers killed for the year ending December, 1923, an increase of 10, and the number of passengers injured was 376 in 1922, as compared with 558 in 1923, an increase of 182.

(2) The number of employees killed was 83 in 1922 and 122 in 1923, an increase of 39, and the number of employees injured was 2,084 in 1922, as compared with 2,542 in 1923, an increase of 458.

(3) The number of others killed was 155 in the year 1922 and 158 in the year 1923, an increase of 3, and the number of others injured was 396 in 1922, as compared with 497 in 1923, an increase of 101.

It is pointed out that out of 158 others killed, 76, or 48 per cent, were trespassers, and that out of 497 others injured, 98, or 19 per cent, were trespassers.

The following is a table giving the comparison between the total number of passengers carried by the railway companies, and the number of passengers killed and injured, and the same information as to employees. Figures giving the total number of passengers carried and employees are for the year ending 1922, the last figures available, and are taken from the Railway Statistics published by the Transportation Branch of the Dominion Bureau of Statistics:—

Passengers—	
Number of passengers carried on railways.....	44,383,620
Number of passengers killed.....	15
Number of passengers injured.....	558
Employees—	
Number of employees with railways.....	167,627
Number of employees killed.....	122
Number of employees injured.....	2,542
Trespassers—	
Number of trespassers killed.....	76
Number of trespassers injured.....	98

It will be noted that of what may be termed preventable loss, there were 76 killed under the heading "Trespassers" and 98 injured. This is an increase of 5 in the number of killed and an increase of 8 in the number injured as compared with the year ending December, 1922.

The following table shows the total by provinces as regards trespassers killed and injured for the year ending December, 1923:—

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Province	Killed	Injured
Nova Scotia.....	6	3
New Brunswick.....	2	5
Quebec.....	14	19
Ontario.....	34	36
Manitoba.....	4	6
Saskatchewan.....	5	11
Alberta.....	7	7
British Columbia.....	4	11
Total.....	76	98

Attention is again directed to the statement setting out in detail the situation as regards highway crossing accidents during the past five years. It will be observed therefrom that there has been a total of 921 accidents, covering 316 persons killed and 1,155 injured.

Crossings protected by gates accounted for 19 killed and 66 injured.

Crossings protected by bell accounted for 42 killed and 122 injured.

Crossings protected by watchman accounted for 11 killed and 42 injured.

Crossings unprotected accounted for 244 killed and 925 injured.

There have been 210 accidents at protected crossings covering 72 persons killed and 230 persons injured, and at unprotected crossings there have been 710 accidents covering 244 persons killed and 925 persons injured.

During the year ending December, 1923, there were 244 accidents at highway crossings covering 64 persons killed and 326 persons injured, as compared with 193 accidents in 1922 covering 66 persons killed and 237 persons injured.

Automobile accidents totalled 157, divided as follows:—

At crossings protected by gates.....	6
At crossings protected by watchman.....	5
At crossings protected by bell.....	21
At crossings unprotected.....	125

Horse and rig accidents numbered 49, made up as follows:—

Gates.....	3
Watchman.....	1
Bell.....	7
Unprotected.....	38

Pedestrian accidents numbered 35, as follows:—

Gates.....	11
Watchman.....	1
Bell.....	6
Unprotected.....	15

It will be observed from the above that 63 out of a total of 241 accidents occurred at protected crossings, leaving unprotected crossings to account for 181 accidents.

Full particulars of passengers and employees killed and injured, and other general information in regard to trespassers killed and injured, accidents at protected and unprotected crossings, etc., will be found under Appendix "D."

FIRE INSPECTION DEPARTMENT OF THE BOARD

As in previous years, local inspection continues to be handled under co-operative arrangements made with the several Dominion and provincial forest services. During the year, 122 officials and employees of such forest services were deputed to act ex-officio as officers of the Board's Fire Inspection Department.

Increased efficiency is evident in the handling by the railways of special fire patrols, prescribed under the Board's General Order No. 362.

During the fire season of 1923, a grand total of 1,096 fires from all causes were reported as having originated within 300 feet of railway lines in forested

territory along railways subject to the jurisdiction of the Board, which now extends to some 97 per cent of the railway mileage of the Dominion.

Of the grand total, 354 fires burned over less than one-fourth acre each, doing no damage, while 742 larger fires are reported to have burned over 785,908 acres and destroyed forest growth, forest products and other property valued at \$1,079,154.

Of the grand total 78.56 per cent are definitely attributed to railway agencies; 7.57 per cent to known causes other than railways; and 13.87 per cent to unknown causes.

Of the total area burned over, 54.01 per cent is chargeable to railway causes; 18.47 per cent to known causes other than railways; and 27.52 per cent to unknown causes.

Of the total damage, 63.17 per cent is chargeable to railway causes; 14.19 per cent to known causes other than railways; and 22.64 per cent to unknown causes.

Of the 861 fires which the railways are definitely charged with having caused, 664 fires are attributed to sparks from locomotives and 197 fires to employees.

During the fire season of 1923, officers of the Fire Inspection Department inspected the fire-protective appliances on 3,498 locomotives. Of this total, only 3.3 per cent were found defective. This is a substantial improvement over any previous year.

In accordance with the Fire Guard Requirements, 10,345 miles of fire guards were constructed or maintained in non-forested sections of the Prairie Provinces.

Under Appendix " E " will be found the Chief Fire Inspector's report together with summaries of fire reports, inspection of locomotives and fire guard construction.

ROUTINE WORK OF THE BOARD

RECORD DEPARTMENT

Below is given a table setting forth the number of applications, filings and letters received during the year ending December 31, 1923, together with the number of orders issued:—

Number of applications made.....	3,288
Number of filings received during the year.....	33,780
Number of outgoing letters during the year.....	25,958
Number of orders issued during the year.....	1,406

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

RECORD ROOM

STATEMENT showing the applications made to the Board under the various Sections of the Railway Act, for the year ending December 31, 1923

Sections of the Ry. Act	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Totals
Rescinding of Orders, Sec. 34...	2	2	1	3	3	6	4	6	2	4	4	6	43
Rules and regulations, secs. 34, 281, 287, 290, 296.....					1								1
Extension of time, sec. 41.....	2	1			3		6		3	1	2	2	20
Location of line, secs. 167-177...			1	2	2	4	3	9	1	1	2	4	29
Route Map, sec. 167.....						2		1				1	4
Railway as constructed, sec. 175		1	1	3	7		4		4	2	1	2	25
Deviation of line, sec. 178.....				1				2	3		1		7
Expropriation of lands, secs. 189-192.....			1						2	1			4
Appeals against Board's decisions.....	1					2							3

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STATEMENT showing the applications made to the Board under the various Sections of the Railway Act, for the year ending December 31, 1923—*Con.*

Sections of the Ry. Act	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Totals
Compensation for damage, secs. 213-221.....		1	1		1								3
Branch lines railway, secs. 180-187.....	13	9	6	11	24	8	15	16	13	18	8	12	153
Railway crossings and junctions, secs. 252-254.....		1	2	4	2	1	13	12	1	2	4	2	44
Interlocking appliances, sec. 252.....	1	1	3	4		1			2	3	1		16
Highway crossings, secs. 255-267.....	11	8	14	11	27	18	15	14	20	12	15	19	184
Highway diversion, sec. 256.....	2		2	4	2	3	2	1	3	4	1	4	28
Protection at crossings, secs. 257-267.....	19	10	19	30	10	17	18	16	22	22	27	13	223
Telegraph and telephone lines, sec. 367.....		1			1								2
Telegraph and telephone connections, sec. 371.....			2										2
Telegraph wire crossings, sec. 372.....	1												1
Telephone wire crossings, sec. 372.....	1		1									1	3
Power wire crossings, sec. 372.....				1	2	1	1	1	1			1	8
Telephone agreements, sec. 375.....	14	1	11	17	16	23	16	22	11	19	22	21	193
Canals, ditches, etc., secs. 268-271.....	1						1			1	1		4
Water pipes, sec. 269.....										2			2
Sewers, sec. 260.....					5			3			1		9
Culverts, sec. 269.....			1				3	1		2	1	1	9
Farm crossings, secs. 272-273.....	1	4	2	2	5		4	2	1		2	2	25
Cattle-guards, sec. 274.....						1	1	1		1	1		5
Fencing of right-of-way, sec. 274.....	1		5		3	19	2	1		4		1	36
Construction Nav. Waters, secs. 245-249.....										4			4
Bridges, secs. 249-251.....	1	3	10	10	28	13	21	7	3	6	7	16	125
Tunnels, secs. 249-251.....		2	2	2	1		1	1	1			5	15
Stations, sec. 188.....	11	7	10	9	7	8	10	10	12	5	4	1	94
Station accomodation, station agents.....				2		3	8	1		5	3	2	24
Condition of round houses.....	1						1				2	1	5
Opening of railway, secs. 276-277.....			1		1	4		1	5	6		4	22
Condition of railway, sec. 283.....	4	1	2	2		6		1		1	2		19
Rolling stocks, secs. 298-301.....	4	3	4	3	1	2	1	1		4	5	3	31
Train service.....	5	3	8	7	4	3	2	4		2	1	3	42
Working of trains, sec. 287.....		1	1	3		1					1	2	9
Obstructions to traffic, sec. 311.....						1				1			2
Accommodation for traffic, sec. 312.....	15	11	7	35	14	3	14	13	9	7	3	5	136
Packing of frogs, secs. 282-283.....			1									1	2
Dangerous Commodities, secs. 349-350.....	1	1					1			1		1	5
Accident reports, secs. 285-286.....	61	34	45	48	51	46	82	45	75	104	76	46	713
Thistles and Weeds, secs. 279-280.....										1			1
Fires from locomotives, secs. 280-281-287-387.....					5	1		1	2	3		1	13
By-laws re Tolls, sec. 323.....				1	2				1	1	1	2	8
Equality in Tolls, secs. 314-321.....											2		2
Interswitching, secs. 316-337.....	1				1	2						1	5
Freight Classification, sec. 322.....											4	4	8
Forms of Tariffs, secs. 323-327.....												1	1
Standard Freight Tariffs, sec. 330.....				1			1						2
Standard Passenger Tariffs.....		1				1							2
Adjustment in rates.....	6	9	9	1	6	5	5	4	3	5	2	5	60
Special Freight Tariffs, sec. 331.....	2	5	8	5	2	2		1	4	7		2	38
Special Passenger Tariffs, sec. 335.....	1				1				1			2	5
Provisions for Carriage, secs. 344-348.....	1	5	2			2	1	3		1			15
Express Tolls, secs. 360-366.....		1	1		2	1	3		3		6		17
Carriage by Express, sec. 364.....	1			1	1	6	3	5	1	3	2	6	29
Telephone Tolls, sec. 375.....							1		1	1			3
Amalgamation Agreements, secs. 151-153.....		2											2
Traffic Agreements, sec. 154.....				1						2			3
Statistics and Returns, secs. 379-384.....		1					1				1	1	4
Claims and Refunds.....	1							3	5	4	1	4	18
Enquiries.....	2	6	6	11	2	10	2	1	1	4	4	5	54
Requests.....					2				1		1		4
Complaints.....	46	49	42	35	48	65	45	39	38	55	53	49	564
Miscellaneous.....	34	7	7	8	5	14	2	1	4	4	7	4	97
Totals.....	268	192	239	278	298	305	313	250	259	336	282	268	3,288

APPENDIX A

PRINCIPAL JUDGMENTS OF THE BOARD FOR THE YEAR ENDING
DECEMBER 31, 1923

RE BEAUPORT ROAD CROSSING

Judgment of Chief Commissioner, January 4, 1923, concurred in by Deputy Chief Commissioner and Commissioner Lawrence

In the year 1919, an application was made by Messrs. Chapleau and Theriault, Advocates, who represented that they were instructed by the city of Quebec to apply to this Board for permission to be granted to the Quebec Railway, Light, Heat and Power Company, Limited, to cross the Canadian Northern Railway tracks along Beauport Road in Limoilou and extend its electric railway system to the east of Limoilou Ward. Shortly thereafter, we received a communication from the Quebec Railway, Light, Heat and Power Company, but the correspondence altogether seemed to look towards the construction of a subway. Early in 1922, we received a communication from the secretary of the Citizens' Association of Limoilou, asking that this Board take the necessary steps to have the rails of the Quebec Railway, Light, Heat and Power Company extended over the Canadian National at Beauport Road, and, as a result, a hearing was held in the city of Quebec in the month of September last, at which all parties were represented.

Everybody seemed extremely reasonable. It seems that, in the month of November, 1919, an agreement was entered into between the city of Quebec and the Quebec Railway, Light, Heat and Power Company providing inter alia for the construction of a subway by which this street was to be carried under the Canadian Northern Railway tracks, and the street railway seemed perfectly willing to abide by the provisions of that agreement, and I think the same can be said for the city of Quebec. The Canadian National Railway did not oppose the project, but objected to being held responsible financially for the cost.

After the hearing, we had the whole question of a subway very carefully investigated by our Engineering Department, and the report which we received is to the effect that, even at lower water, the bottom of the subway would be $1\frac{1}{2}$ feet below the level of the river and at high water in many cases it would be entirely submerged, and the cost would probably be around \$175,000, not to say anything about consequential damages or the cost of elevating the railway tracks, which would reach about \$100,000. It would be a pretty safe estimate that, when completed, it would not fall far short of \$300,000.

For these reasons, I think the subway is impracticable at the present time, but I also think the citizens of that portion of the city of Quebec are entitled to have adequate street railway facilities by the tracks of the street railway crossing those of the Canadian National Railway. We have had an estimate from the Canadian National authorities as to the cost of a half-interlocking plant, amounting to about \$9,663, and I, therefore, think an order should issue allowing the Quebec Railway, Light, Heat and Power Company to cross the tracks of the Canadian National Railway at Beauport Road, in the city of Quebec, upon the installation of a half-interlocking plant, according to the plan and specifications furnished this Board by the Canadian National Railway.

Without any doubt, the railway crossed the Beauport Road prior to the first of April, 1909, and, as the construction of this interlocking plant is a work for the protection, safety, and convenience of the public, upon a highway crossing at rail level which was in existence on the first day of April, 1909, I think the Board is justified in making a grant from the Grade Crossing Fund, and, therefore, I would direct that a grant be made of 25 per cent of the total cost

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of the work, not exceeding \$15,000, under the conditions set forth in the statute; that the balance of the cost of installing the diamond and interlocking plant and connecting the same with the gates now in existence should be paid by the Quebec Railway, Light, Heat and Power Company; and that the cost of maintaining the diamond and interlocker should be upon the Quebec Railway, Light, Heat and Power Company. As there are gates already operated and maintained by the railway company, they should be connected with the interlocking plant, and the men who operate the gates should operate the whole plant, and, therefore, I think the maintenance of the gates should be borne entirely by the Canadian National Railway, and the cost of operating the gates and the interlocker should be paid by the Canadian National Railway and the Quebec Railway, Light, Heat and Power Company share and share alike, and an order should issue accordingly.

FORMAL RULING *re* REGULATIONS FOR FREE TRANSPORTATION P.M.R.

Judgment of Assistant Chief Commissioner, January 12, 1923, concurred in by Chief Commissioner

Application having been made to the Board for the issuance of free transportation to the solicitor of a railway under the provisions of subsection (d) of section 345 of the Railway Act, the Board held that the railway company had powers both as to issuing transportation to its employees and as to the issuance of transportation to employees on other railways (*vide* section 345 of the Railway Act, subsections (c) and (d)); that in the present instance it seemed to the Board that it was being asked to give a definition to the effect that the solicitor of the company was an employee of the railway, and that the Board did not so understand its obligation; that the initial burden of determining whether he was an employee within the meaning of section 345, was on the railway company; so, also, was the initial burden on the other railway companies referred to in respect of issuing to him free transportation on the ground that he was an employee of the railway company. Held, further, that the burden on the Board was to see that the provisions of the section were enforced without unjust discrimination or other violation of the legislation. Held, further, that the Board could not make any order under subclause (c) as referred to in the correspondence, and that the Board construed that subclause to mean that the railway companies might make application to the Board for the privilege of granting such transportation which the Board might either approve or reject; that should the Board approve, then all persons coming under the same class must be treated alike.

APPLICATION OF ALBERT R. LAWRENCE, EDMONTON, ALTA., *re* TRANSFER TICKETS BETWEEN COMPETING POINTS

Judgment of Chief Commissioner, dated January 18, 1923, concurred in by Assistant Chief Commissioner and Commissioner Boyce

The principle involved in this application was settled by the Board by file No. 12100, when a judgment was issued by Chief Commissioner Mabey holding that the Board at that time had no jurisdiction under the Railway Act to order a railway company to accept a ticket issued by another railway company, largely on the ground that no fare could legally be collected unless a tariff had been filed therefor, and no such tariff exists so far as I am able to find. Nothing has been added to the Railway Act since that date that would add to our jurisdiction, but it rather seems to me the incorporation of the present section 347 of the Railway Act would make it even harder to work out such a scheme than it would have been in 1910, portion of which section is as follows:—

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“and no company shall otherwise arrange for or permit the transportation of passengers except on payment of the fare properly chargeable for such transportation under the tariff filed under the provisions of this Act and at the time in effect.”

I think, therefore, the application should be refused.

APPLICATION OF THE VANCOUVER HARBOUR COMMISSIONERS *re* RUNNING RIGHTS
OVER VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COM-
PANY'S TRACKS, FALSE CREEK TO BURRARD INLET, B.C.

Judgment of Chief Commissioner, January 22, 1923, concurred in by Commissioner Lawrence

At the sittings of the Board in Vancouver on September 19 last, consideration of the form of the agreement for running rights by the Vancouver Harbour Commissioners over the Vancouver, Victoria and Eastern Railway and Navigation Company's tracks from False Creek to Burrard Inlet, was under consideration and during the course of the argument Mr. MacNeill, Counsel for the Vancouver, Victoria and Eastern Railway and Navigation Company, at page 5776, asked the Board to grant a stated case to the Supreme Court, for the reasons therein set forth, the general statement being that a contract was made between the Canadian National and the Vancouver, Victoria and Eastern Railway and Navigation Company, which the court would enjoin the Canadian National from breaking. As I understand it, that refers to the contract by which joint running rights were acquired by the Canadian Northern from New Westminster to the Vancouver, Victoria and Eastern Railway and Navigation Company's yards on False Creek. He claimed that the Canadian Northern is now under the control of the Government of Canada, and the Vancouver Harbour Commissioners are also a railway under the control of the Government of Canada, and that the extraordinary situation arose by which the people who are bound by this contract are asking the railway company, against its will, to give them running rights over the railway company's road.

Mr. MacNeill was directed to serve copies of his application upon the Canadian National Railways and the Vancouver Harbour Commissioners, which he did and to which both these bodies have replied.

While there is some doubt in my mind as to the question of either law or jurisdiction involved, yet it is a matter of great importance to the Vancouver, Victoria and Eastern Railway and Navigation Company, and if they wish to take the matter before the Supreme Court it is my opinion they should have an opportunity of doing so.

I, therefore, think an order should issue granting them the right to appeal under the provisions of the Railway Act, 1919, section 52, subsections 3 and 4.

APPLICATION OF CANADIAN PACIFIC RAILWAY *in re* PROTECTION KINGSTON ROAD
CROSSING

Judgment Commissioner Boyce, January 30, 1923, concurred in by Assistant Chief Commissioner

The question as to what is the most adequate protection suitable to the conditions of traffic at this crossing is involved in this application. The railway companies desire to substitute for the watchmen protection now in use, automatic protection by bells and wig-wag signals. The evidence at the hearing and a careful examination of the crossing by the members of the Board before

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whom the application was heard, in the presence of representatives of the various interested municipalities, of the railways, and of the general public of the county, were directed to the effort to determine the most desirable form of protection at this crossing in the interests of public safety.

The crossing in question is the point of intersection of the Kingston road (now a provincial highway) with the tracks of the Canadian Pacific and Canadian National Railways on lot 33, concession 1, township of Sidney, Ont.

The subject of protection of this crossing has been before this Board, in one form or another, since 1912, when under date January 26, a resolution of the County Council of Hastings was laid before the Board asking that protection by gates be furnished. By Board's Order No. 22760, dated October 26, 1914, protection by gates was ordered; cost of installing, maintaining, and operating which was to be borne, one-half by each railway company, and that pending the installation of the gates, all movements over the crossing day and night, be flagged, cost of flagmen to be divided equally between the two railways.

On April 19, 1915, the Canadian Northern Railway Company applied to the Board representing that this crossing had been confused with other crossings, and that the order for gates was issued in error, as at the sittings referred to in the Board's Order No. 22760, Belleville, May 1, 1913, this crossing was not even mentioned. Whether this contention was well founded or not, the Board, after inspection, and report of its Chief Engineer, by Order No. 23732, dated May 22, 1915, rescinded Order No. 22760, dated October 26, 1914, providing for gates, and directed in lieu thereof, protection by watchmen day and night, the cost of same to be borne equally by the railways concerned. This form of protection has been in force ever since, and is now operative.

Under date August 7, 1922, the Canadian Pacific Railway Company filed its application for authority to substitute an electric bell with wig-wag signals in lieu of the protection by watchmen, that is, to substitute mechanical for human watchmen, and the Canadian National Railways, under date August 18, 1922, concurred in this application.

The physical conditions at the crossing are substantially the same as when the above order was made. The question at issue on this application is whether the proposed mechanical protection will be as adequate a warning of danger at the crossing as manual warning by a watchman. In neither method can there be elimination of the danger incident to a highway travelled by high-speed motor traffic crossing two railways at grade. The danger is apparent and visible. The railways lawfully cross the highways, and the highway lawfully crosses the railways and the traffic on each is entitled to be protected. In both methods under consideration the question is one of adequate and sufficient warning to highway traffic of approaching train on either railway. The up-keep of night and day watchmen involves upon the railways an outlay of about \$5,000 per annum. The up-keep of the mechanical watchmen proposed is negligible (a few hundred dollars per year), but in determining the question as to which method is the more suitable and adequate as protection by warning, the paramount consideration is, of course, the regard for public safety; the question of expense is distinctly a separate and secondary consideration with this Board in all applications of a like character. The most adequate protection suitable to the conditions of view and traffic on highway and railway, it is the duty of this Board to determine and to direct, the expense, and distribution thereof among those who, whether railways or municipalities (as representing the public highway traffic) the interests of both of which are in question, is a consequential or incidental consideration.

The view at the crossing, as stated in the Inspector's report, is as follows:—

APPROACHING FROM NORTHEAST		
Eastbound	Distance	Westbound
350'	50'	650'
Nil	100'	650'
110'	150'	650'
APPROACHING FROM SOUTHWEST		
850'	50'	* Nil
800'	100'	600'
800'	150'	600'

*View obstructed by watchman's cabin; other views by buildings and trres.

As to the stated obstructions by buildings and trees the situation, apparent from the plan, and a careful inspection on the ground, immediately after the hearing, is about as follows:—

The highway crosses the tracks of the railways (two single tracks—about fifteen feet apart) at a slight angle or skew, but I do not regard that factor as a serious contribution to the danger having regard to the surroundings and to the fact that the Kingston road, now a provincial highway, is being widened to 80 feet, the effect of which will be to considerably improve the view of approaching trains from practically all directions.

Approaching from the southwest, when 300 feet from the centre of the crossing, there is a clear view of about 1,000 feet of trains approaching from the west. At that point the view of trains from the east is obscured by a stable, a shed, and a house, but at 200 feet the view to the east is clear, and there is a good view for about 600 feet at this distance from the crossing. At 300 feet from the crossing on both sides, at the right hand side of the highway, there are installed and maintained by the Department of Highways, warning boards of the standard type approved by this Board, so that, at this point (200 feet from the crossing) where the view to the east is obscured, temporarily, and for, say, 100 feet, the traveller on the highway has just passed, on the same side of the road, this warning board, and, if using ordinary care, would be on the lookout for the opening up of the view 100 feet further on his way towards the crossing. Between that point, 200 feet from the crossing, and a point about 75 feet therefrom, the view to the east is for a few feet temporarily obstructed by the second and third trees southwesterly from the crossing, and by the watchman's shanty. These trees are, I think, on the highway. They could be removed by the municipality and it would be desirable that they should be removed. If mechanical watchmen were employed the shanty would disappear and the view to the east would be cleared. The view to the west from 200 feet on is fairly good -it will be improved, Mr. Hogarth tells us, by the widening of the highway. I regard the approach from the southwest, with these qualifications, as being fairly good and quite sufficient to one using ordinary care in view of the warning sign with which he is confronted.

Approaching the crossing from the northeast, at 275 feet (just past the warning board on the highway), there appears to be a good view for about 900 feet to the east. For a considerable distance before reaching this point the railways, east of the crossing, are in sight so that trains from the east can be seen for a considerable distance before this point is reached. The view to the west, at this point (275 feet) and from thence to within about 50 feet of the crossing is obstructed by a house and trees beyond the house, so that a good view is not obtainable until within 50 feet of the crossing. This aspect of the situation was the subject of very careful study on the ground. One or two of the trees between the railway tracks and the house obscure the line of sight from the highway and they doubtless can be removed to improve the view. Mr. Hogarth pointed out that the widening of the highway to 80 feet would

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contribute substantially to the improvement of the view of eastbound trains. The only other alternative is the removal of the building. This remedy was considered on the ground, and after hearing the views of Mr. Hogarth, who as chief engineer of the Ontario Department of Highways has oversight of construction of the road, as to the effect of widening the road to 80 feet, I became satisfied that such was not necessary. When the road work is completed, it can be decided what, if any, trees to the west ought to be removed.

The view on both sides of the crossing is fairly good. On neither side do the temporary obstructions of view present factors of unavoidable danger to a pedestrian or the driver of a vehicle who knowing the inherent danger of a level crossing and appreciating the value of warning signs, approaches the crossing with senses alert and who uses ordinary care and judgment in the management of his vehicle and who declines to take any risk. The grade of the crossing is about level.

The volume of highway traffic, as shown by the railways, respectively, and the municipalities may be referred to shortly. It is not specially pertinent to the consideration of this application, which is to substitute another form of protection for that now maintained. The issue is as to the relative values for protection, for warning purposes, of the system now in use, i.e., the maintenance of watchmen (warning by display of a disc by day and a red lamp by night), and the mechanical watchman comprising a loud ringing of an electric bell and waving of wig-wag arm with sign of "Stop" prominently displayed by day, and by night the electric alarm bell ringing and a red light waving.

The Canadian Pacific Railway traffic returns are for 48 hours consecutively taken 22nd to 24th July, 1922, from 6 a.m. each day to 6 a.m. the following day. They include the train traffic on both railways. The Canadian National Railway traffic returns are for forty-eight hours, consecutively, from 8 a.m. October 13 to 8 a.m. October 15, 1922. These also cover all traffic on both railways—including hand-cars and gas cars.

As these returns were made at different periods a comparison of a summary of them may be useful.

<i>C.P.R. July 22-24, 1922</i>			<i>C.N.R. Oct. 13-15, 1922</i>		
Pedestrian.....	49	Average..... 1 per hour.	80.....	Average.....	2 every hour.
Vehicular.....	1,680	Average.....35	1,726.....	Average.....36	"
Trains.....	46	Average..... 1 every hour	73.....	Average..... 1.52	"

These returns, taken July and October respectively, show very similar results as regards vehicular and train traffic, but vary as regards pedestrian traffic. The fall return taken by the Canadian National Railways shows about 50 per cent more trains on both railways than that of the Canadian Pacific Railway summer return with about the same amount of highway traffic.

The township of Sidney, through Mr. Reid, submitted a carefully prepared memorandum of highway traffic of all kinds, embracing passenger, motor cars, light and heavy motor trucks, motor buses, steam engines (road) and lorries and horse vehicles. This record was made from August 30 to September 5, 1922, inclusive, seven days—from 6 a.m. to 10 p.m., or sixteen hours each day. It summarizes as follows:—

Total vehicular traffic—(pedestrian traffic is not included)	
7 days, 16 hours each.....	7,304
Average per day of 16 hours.....	1,043
Average per hour.....	65

Mr. Ponton, for the city of Belleville, handed in a statement of traffic taken 3rd and 4th September, 1922, from 7 a.m. to 10 p.m. each day—fifteen hours—which summarizes as follows:—

3rd September		4th September		Total
Pedestrian.....	48	46.....		94
Vehicular.....	1,049	827.....		1,876
Train (C.P.R.).....	15	13.....		28
“ (C.N.R.).....	0	10.....		10

This would average as follows, per day, of 15 hours:—

Pedestrian.....	47 or 3 per hour.
Vehicular.....	938 or 62 “
Train.....	19 (Only C.P.R. traffic on 3rd), 1.26 per hour (C.N.R.).

It will be seen that the municipal tallies of the traffic, in their analysis, agree pretty much in the average although the hourly average shown by them is higher than that shown by the railways, doubtless for the reason that for the seven and two days, respectively, eight and nine hours per day, respectively, of night traffic were not included. I fancy that this, if worked out, would substantially account for the difference in hourly average of highway traffic between the returns of the railways and that of the township. The returns of the township show no railway traffic. That of the city shows only Canadian Pacific Railway traffic for one day (3rd) and both railways on 4th.

The highway traffic is substantial, though not congested. There is doubtless much less general traffic in the winter months. Mr. Ponton, counsel for the city of Belleville, stated to the Board (Vol. 399, p. 7233) that at least 50 per cent of the highway traffic had its origin in funerals, which would go either to the cemetery on the east side of the road south of the crossing, or to the smaller cemetery approached from the northerly side of the crossing by a road branching off to the east just before reaching the crossing from a northerly direction. This factor ought to be in ease of any general congestion for while each procession would be subject to danger, in making the crossing, at least one way, it would, in most cases, be protected, as a whole, by warning of an approaching train.

The greatly increased highway traffic is due to the road being constituted a provincial highway—the Kingston road rebuilt, hard surfaced, widened, curves eliminated wherever possible, its construction and maintenance at the high standard set by the Department of Highways of Ontario, draws to it large amounts of traffic from the less efficient roads in the vicinity. The highways thus improved are especially conducive to high-speed motor traffic, a species of traffic which has in the last decade assumed enormous proportions, and on account of the growth in which frequent applications are made to this Board for protection of grade crossings.

No accident is reported as alleged to have occurred at this crossing. Those opposing the application attribute immunity from accident to the efficiency of the protection afforded by the watchmen. It is a factor not to be lost sight of that when application was made by the railways to substitute watchmen for gates it was vigorously opposed by the municipalities, in the honest belief that gates would give a higher class of protection. Time and experience at this crossing alone, as well as in many cases before the Board, have demonstrated that protection—commonly so-called—of a level crossing, in its last analysis, consists only of reasonable measures to improve the lines of sight, and devices for giving sufficient warning to approaching highway traffic to apprise it of the danger and put the one in charge of it on the alert, and to aid their presumed desire and reasonable effort to avoid it. If therefore, at a given crossing, the most effective warnings are given of the existence of the danger lying ahead, whether by warning boards on the highway, railway crossing boards, the waving disc held by a watchman by day, or the waving of a red lamp by night, the whistle of an engine, the clang of an electric bell, the insistent flashing of a red wig-wag signal, or gate bars across the highway and these fail in their effort to impress

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approaching motorists or drivers with the presence of acute and imminent danger which can easily be avoided by the exercise by them alone of that ordinary care which every person in charge of a vehicle is required and presumed to possess for the protection of himself and others using the highway, protection—so-called—fails entirely of its object, not because of its insufficiency or inadequacy, but because of the omission—whether due to recklessness, inattention or incompetency of the person upon whom the duty of caution is imposed by the warnings given, to heed them. The Board's reports show numerous instances, some of them being referred to at the hearing of this application, where gates, closed against highway traffic, were broken through by a reckless motorist, watchmen disregarded, bells, boards, wig-wags and whistles unheeded in the reckless effort to "beat the train." Reference was made at the hearing, by the Assistant Chief Commissioner, to instances—(a) where a watchman, to avoid being run down and killed, had to jump on the running board of a motor speeding across the tracks in defiance of his warning; and (b) where another motorist ran his car into the 28th car of a passing train; and Mr. Hogarth added, when the first instance was drawn to his attention (7245).

"Mr. HOGARTH: We had a man killed a few months ago in that way. He was thrown right into a field."

The facts in issue in this case are very similar to and affect the same railways, in respect of a grade crossing about two miles east of this one, known as the Bay Bridge road, an application by the same railways to substitute bells and wig-wag signals for gates—a watchman being then and there employed. The application was heard at Belleville on January 6, 1922, and the objections to the substitution were identical almost with those now presented to us. There had been, in that case, a fatal accident. The road was heavily travelled—the traffic being heavier than the returns indicate at this crossing, as appears from the following analysis, for 48 hours, taken from the Board's judgment, dated March 17, 1922. (Judgments, etc., of the Board, 1922, at p. 19).

ON BOTH RAILWAYS			
Pedestrians.....	567	Average per hour.....	12
Vehicles.....	2,460	".....	52
Trains.....	130	".....	2.14

The order was there made, after a careful comparison of the same class of highway and railway traffic, and, as in this case, inspection on the ground, for double electric bells and wig-wag signals. The device ordered was installed and the watchman removed from that crossing. It was referred to at the hearing in this case, as follows (Vol. 399, p. 7241-2):—

"Mr. HOGARTH: I do not know what wig-wag they propose here.

"The ASSISTANT CHIEF COMMISSIONER: A wig-wag similar to the one at the Bay Bridge Road.

"Mr. HOGARTH: That seems to be satisfactory.

"Mr. SPENCE: So far as that Bay Bridge Road wig-wag is concerned, have you known of any fault or trouble with it?

"Mr. HOGARTH: Not so far.

"Mr. SPENCE: It is a fact that the people who use that crossing are satisfied with the wig-wag protection?

"Mr. HOGARTH: I believe so."

It would not therefore be inappropriate, as there is such similarity between the two cases both as regards locality, traffic and general conditions, to refer to the judgment of the Board in that case (*ibid*—Bay Bridge Road Crossing, March 17, 1922, foot of p. 20, top of p. 21), which I would apply to this case with equal force and relevancy.

The Department of Highways and the municipalities—supported by Mr. W. H. Ireland, M.L.A. for West Hastings—offered a variety of objections to the substitution proposed by the railways. The objections on behalf of the municipality were general in character and based upon the opinion that a watchman could be of better service as an agent of warning, than a mechanical contrivance, acting automatically. In the Board's judgment in the Bay Bridge Road case, referred to before, there is fully set out the distinction between the two warning measures in question, and those distinctions, and the Board's opinion in that case apply equally to this case. Little can be added to what is there observed in relation to the advantages of the mechanical warning to a situation like the present. It has been the experience of the Board that the public generally are disinclined to relinquish the human element in protection in favour of a mechanical device of which little by them is known, but at least in most, if not in all cases where the device now proposed has been installed, whether as original or substituted protection (for a watchman or gates) it has been found to work satisfactorily for the purposes for which it is installed. It has one striking feature of advantage in its mechanical action. Bonded for, say, 2,000 feet on both tracks, it would be instantly alert and in action at the crossing with sonorous bell and waving arm by day, and by bell and waving red light at night, the same instant that an approaching train entered the bonded area 2,000 feet from the crossing. The two incidents are contemporaneous. Not so with the watchman. As is pointed out in the evidence (p. 7243) it would take 18 seconds from the time a train whistles for the crossing after it has whistled—assuming that the whistle is sounded 80 rods from the crossing, until the train reaches the crossing. Assuming that the watchman, who has no more definite information of train arrivals than a time-table (none of delayed or special trains), instantly hears the whistle—in stormy weather not always possible—it takes him half of that eighteen seconds to get up from his chair in the shanty, get his disk or lamp, open the door and get to the crossing in a position to give warning to highway traffic. This time is stated as the result of a careful check of the operation by the watchman at this crossing. When in position he can only, by day, display his disk, with the word "Stop" on it, and by night wave a red lamp. If these warning signals are unheeded by an approaching driver (who may be of opinion that he can "beat the train"), the watchman can do no more. He sounds no warning bell—if he shouts a warning it is difficult to hear it. Sometimes, as in the case referred to, he has to look to his own safety. As compared with this procedure the bell and wig-wag are in action, automatically, the instant the train touches the bonded track 2,000 feet away. The result is that the highway traffic has the benefit of double the warning in point of time, and of character, for in addition to waving a red disk by day and a red light by night, it starts ringing a loud electric gong, which cannot fail to be heard by those on the alert and not lacking the sense of hearing, and these warnings continue until the train has entirely passed over the crossing. Cases are reported where from one cause or another the watchman fails to get out at all. Mr. Hogarth says (p. 7242) he has been at a crossing where the watchman had gone home for the afternoon. The human element fails, and there is no warning whatever. It is shown (p. 7241) that if the electric bell gets out of order it continues to ring and so the warning is there continuously, and he would be indeed a reckless driver who drove onto a crossing when a warning bell was loudly ringing. This fact, I think, answers one of Mr. Hogarth's objections as to the device of the standard proposed, getting out of order. If it does get out of order, i.e., if the mechanism fails, the bell rings, the warning is there continuously, until adjustment is made; but if the human element (the watchman) fails there is no warning whatever—the crossing is unprotected, and, as such, is a lure to approaching traffic to use it.

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Mr. Hogarth, for the Department of Highways for Ontario, while stating (p. 7244) that he knows of no accident resulting from failure of the mechanical signal, and that his department favours that device in many cases, and (p. 7245) has asked this Board for that form of protection in certain cases, summarizes his views as to the relative adequacy of warning by watchmen and bell and wig-wag signals, as follows:—

(p. 7242):—

“Mr. SPENCE: What reason have you for thinking that a wig-wag at this crossing will not be satisfactory?”

“Mr. HOGARTH: The traffic. The cars on the road are not always under control, and a wig-wag while it is posted in a position where it can be observed, is very often not observed, while a watchman takes his position in the centre of the road to stop traffic, and a positive sign is given to stop. A wig-wag does not exercise the same authority as a watchman does.”

A little reflection, I am sure, will satisfy Mr. Hogarth that what he has in view is hardly an objection to the warning device now proposed, if it be otherwise suitable. At a highway crossing two classes of traffic intersect each other, i.e. (a) railway traffic, governed and controlled in its movement by written orders, signals, flags, whistles, posts and numerous other devices, all contributing to public safety, and (b) highway traffic, without governing orders (except most general ones not directing or restraining movement), and with but very few signals to observe—as its contribution to public safety, and its own—these signals or indicators are speed warnings, highway warning boards, railway crossing signs, boards warning of dangerous hills or curves, railway crossing watchmen's signs and crossing gates, locomotive engine whistles and bell, crossing bells and lamps. If a railway engine approaching a crossing passes the whistling post without whistling an accident may occur. The duty on vehicular traffic to regard and obey signals and warnings should be no less than that of the railway company. Few motorists would disregard or scoff at a sign erected by a motor league that there was a dangerous curve or hill ahead, and can it be urged that a less duty is cast upon those in charge of vehicular traffic, especially motor traffic, to observe signs, warnings, and signals, the observance or contempt of which means the difference between safety and a terrible death? I would answer Mr. Hogarth's observation by remarking that if some of the reckless drivers (and no careful driver would disregard them) do ignore these signals and warnings of danger, it is their duty to regard, observe and be controlled in the management of their vehicle by them, and the non-observance of that duty ought to mean inefficiency in the management of that vehicle. If a car on the road is not under control approaching a crossing, I fancy it will get on the tracks, watchman or no watchman, gates or no gates—warnings would be useless. A bell and wig-wag signal cannot fail to be observed and heard by the careful and efficient driver who is on the alert for danger signs—if they are not observed it is to be presumed that the driver is not alert, not cautious, and no warning device that I can conceive of—watchman, gates, bells, or wig-wag—will protect such, as his reckless disregard of the duty he owes in travelling the public highway places him beyond the scope of such protective or warning devices as are prescribed for his benefit. It is to be regretted that there is not legislation adequate to visit the consequences of such breach of duty upon those so offending.

These mechanical warning devices are inspected daily by the section foreman and a written report made to an officer of the railway. In addition to this, enginemen are instructed to report faulty operation at once, and pending repairs, watchmen are promptly appointed. This practice is affirmed by Mr. Hogarth, (p. 7241.)

I regard the mechanical device proposed to be substituted as one of proven efficiency for such a situation as this crossing presents. It has advantages over warning by watchmen, in similar conditions, and, in the present case I think that in the interests of public safety, as well as of economy to the railway, the substitution asked for ought to be made.

Improvements of view at the crossing can be effected better when the new highway is widened and completed, and a report from the Board's Engineers obtained show just what is necessary in this respect.

The Department of Highways of Ontario, as Mr. Hogarth informs us, has installed the usual highway crossing warning signs 300 feet on each side of the crossing, and will maintain them in accordance with the practice of this department. A suggestion was made on the inspection that the wig-wag apparatus might be located on island cement platforms on each side of the crossing, in the centre of the highway, each having a hooded two way red light as a permanent signal. It was thought that the signals, so placed, would give more effective warning to highway traffic, than if placed at the side of the highway on each side of the crossing. The suggestion presents advantageous features, but is a novel one, and should be carefully considered before being adopted. It is an Engineering feature largely, and I think could best be settled, when the apparatus is ready to be installed, after consultation between representatives of the railway and of all interested parties, and an Engineer of the Board.

The applicant railways will, respectively, install on the highway, at such points thereon, on each side of the railways as may be decided to be most suitable, and maintain in efficient working order, an illuminated electric bell with wig-wag signals, of the most modern type, approved by the Board's Engineer, bonded to the track of each railway, in both directions—one bell and one signal on each railway—the work to be executed and completed to the satisfaction of an Engineer of the Board, on or before May 15, next. Each railway will bear the cost of installation of the device on its own railway and maintain it.

The order of the Board, No. 23732, dated May 22, 1915, will be discharged when the bells and wig-wags shall have been installed, approved to the satisfaction of the Board, and in efficient operation.

APPLICATION OF CANADIAN PACIFIC RAILWAY COMPANY IN RE SUBSECTION (2)
OF SECTION 154 OF THE RAILWAY ACT

Judgment of Assistant Chief Commissioner, February 5, 1923, concurred in by Commissioner Rutherford and Commissioner Lawrence.

Section 154 of the Railway Act deals with agreements for interchange of traffic and running rights. By subsection 2 of said section, the directors are authorized to make and enter into any agreement or agreements not inconsistent with the provisions of the general Act or of the Special Act, and for a period not exceeding 21 years, where said agreements fall within the classes enumerated in the subsection. The subsection sets out that such exercise of power is, however, "subject to the like consent of the shareholders, the sanction of the Governor in Council upon the recommendation of the Board, application, notices and filing as hereinbefore provided with respect amalgamation agreements."

The provisions regarding amalgamation agreements as referred to are as contained in section 151. The powers of the Board in regard to exemption are set out in subsection 3 of section 154, which reads as follows:—

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"The Board may, notwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions, with respect to any such agreement or arrangement made or entered into by the company for the transaction of the usual and ordinary business of the company, and where such consent of the shareholders is deemed by the Board to be necessary."

It is contended that the "sanction of the Governor in Council upon recommendation of the Board" is one of the conditions from which the Board may grant exemption.

Under section 151, it is provided, by subsection 4:—

"..... the Board shall grant or refuse such application, and upon granting the same shall make a recommendation to the Governor in Council for the sanction of such agreement."

The Board has had before it in, *In re Grand Trunk and Quebec, Montreal & Southern Ry. Cos.*, 23 Can. Ry. Cas., 101, the construction of the provisions of section 364 (of the former Railway Act), subsections 2 and 3. The portions of the Act involved are identical with subsections 2 and 3 of section 154 of the present Railway Act. The following language is excerpted from the decision:—

"Can the Board order that the sanction of the governor in Council be dispensed with as regards an agreement falling within section 364 (2) (d)?"

"I think there is no power in the Board to say that the sanction of the Governor in Council, obligatory under section 361, equally obligatory under section 364, should be dispensed with as a 'condition' which it may dispense with.

"When it is considered that every act of the Board may, by section 56, be reviewed and reversed by the Governor in Council, it is difficult to see that the sanction of the Governor in Council to these traffic agreements is merely a condition or formality that the Board may dispense with—and, indeed, I do not think that the intent of the section referred to by Mr. Chisholm goes that far.

"I agree, that as regards working and amalgamation agreements, as well as in some other matters dealt with by the enabling Act, the functions of the Board are advisory only. It would be improper, in my judgment, and irrespective of my view of the sections referred to, for the Board to say that, in any case, when sanction is required, that sanction might be dispensed with.

"I think, also, that it is reasonably clear, from the latter part of section 364 (2) (d), and of subsection 3 of the same section, that the 'conditions' the Board has power to dispense with, are conditions as to consent of shareholders, advertising in local papers, and other conditions as to procedure in bringing the agreement properly before the Board. As regards subsequent procedure to validate, I think reason, and the provisions of statute, combine to show that the Board has no power to interfere, and it can only recommend for sanction by the Governor in Council an agreement properly brought before it, of which it approves."

The conditions from which exemptions may be granted under Section 154 are indicated as being the same as those contained in section 151. It is to that section and to what is hereinbefore provided with respect to amalgamation "agreements" that the Board is referred to for guidance.

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In the course of the hearing, counsel for the railway contended, in substance, at pp. 6854-6855 of the evidence, that under subsection 7 of section 151 a recommendation to the Governor in Council was not necessary. Subsection 7 reads as follows:—

“Whenever the agreement does not involve any sale or amalgamation and may be terminated by either company on giving a notice not exceeding twelve months, the Board may, notwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions with respect to any such agreement.”

It is argued, in effect, that under section 154, reading herewith the applicable provisions of section 151, the Board is given power to approve of the agreements falling within that section; that is to say, it may dispense not only with the provisions as to consent of shareholders, application, notices and filing but also with the provision as to sanction of the Governor in Council on the recommendation of the Board; that is to say, the section provides for three methods of dealing with the matter:—

- (a) Refusal;
- (b) Sanction by the Governor in Council upon recommendation of the Board; and
- (c) Sanction by the Board itself.

Section 151, as pointed out, specifically provides the Board “shall grant or refuse,” and upon granting “shall make a recommendation to the Governor in Council for the sanction of such agreement.”

Subsection 7 was enacted subsequent to the decision in *Grand Trunk and Quebec, Montreal and Southern Ry. Cos.* above referred to.

The provisions of subsections 2 and 3 of section 154 are, perhaps, not very happily expressed; but it seems to me it is necessary to distinguish between the conditions which are more or less incidental and which relate to procedure and those which go to the root of the matter. In dealing with agreements such as are herein involved, the Governor in Council is acting under powers conferred by Parliament and the scheme of section 151 looks to the final action upon the agreement being taken by the Governor in Council. The Board, in regard to the phases of the matter with which it is concerned, is likewise acting under powers conferred by Parliament, and there is no necessary conflict arising in the exercise of such powers.

Subsection 7 of section 151, must, I think, be read having in mind the explicit provisions in the earlier part of the section bearing upon the sanction by the Governor in Council, and unless it is clearly and specifically set out that it was intended to derogate from the power of the Governor in Council action accordingly should not be taken.

I am of the opinion that the Board, under the legislation, would not be justified in so acting as to oust the jurisdiction of the Governor in Council to deal with the agreement after recommendation made by the Board, unless there is an explicit conferring of such power. In my opinion, the subsections concerned do not so provide.

RE MILEAGE RATES ON TRAFFIC SUBJECT TO THROUGH JOINT MOVEMENT OVER
TWO LINES

Memorandum of Chief Traffic Officer, February 8, 1923, concurred in by Board.

Upon it appearing from complaints filed informally with the Board that some freight traffic moving under mileage rates over two lines of railway was being subjected to rates disproportionate to what should be involved for such

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two-line hauls, this being brought about by the combination of the local mileage rates of each company to and from junction points, at the direction of the Board its Chief Traffic Officer wrote the principal railways in Eastern Canada under date of December 20, 1922, a letter reading in part as follows:—

“From time to time cases are brought to the attention of the Board indicating the unreasonableness of the combination of local rates to and from junction points when applied to a through joint movement. Very frequently the movements concerned involve commodities on which a mileage scale of rates is published.

“I attach a letter from Mr. J. A. McLachlin, Dresden, Ont., together with freight bill, which covers a case in point. This was a shipment of building brick from Milton to Eddys, and was charged the published through 10th class rate of 22 cents. The carriers publish a mileage scale of rates on brick which is, roughly speaking, about one-third lower than the 10th class rate, but on a joint movement such as referred to, the shipper frequently receives no benefit whatever from these lower published mileage rates. In this case the mileage rate, Milton to St. Thomas, 90 miles, is 12 cents; and from St. Thomas to Eddys, 54 miles, 10 cents or a total of 22 cents, which is the same as the published through 10th class rate.

“It will be observed, therefore, that on such joint movements not only is the shipper deprived of any benefit from the reduced mileage rates established, but that the customary tapering of the rate for the longer haul is also absent by reason of the application of the combination of rates based on the scale applying for the shorter mileage of each carrier.

“In some instances this situation is met by the carriers providing in their tariffs for a reduction in the mileage rates on shipments to and from points on connecting lines. For example, deductions are made in the mileage rates to and from connecting lines when no through rates are in effect on the following commodities:—

- Agricultural limestone
- Cordwood and slabs
- Cordwood for excelsior manufacture
- Fertilizer
- Grain and grain products
- Lumber
- Sugar beets.

“No deduction is made from the mileage rates on a number of other commodities, however, such as the following:—

- Beet pulp
- Peat
- Ice
- Scrap iron, steel and tin (also when mixed with bones).
- Iron ore
- Scrap paper
- Kindling wood
- Coal
- Clay
- Cinders
- Slag
- Stone
- Gravel

Sand
 Drain and roofing tile
 Sewer pipe
 Lime
 Plaster
 Brick
 Paving blocks
 Live stock
 Potatoes

"I would be pleased to have you give consideration to this matter and advise if you do not think the companies should at least make deductions with respect to traffic to and from connecting lines, on the commodities with respect to which there is at present no such tariff provision, which will correspond with what is provided for in the case of the mileage rates on the other named commodities where deduction is made."

The companies have replied under date of January 30, 1923, by letter reading:—

"Referring to your reference TD-14202, Red. 26025.12, in relation to deductions from local mileage rates on traffic to and from connecting lines.

"I desire to say that this matter was given consideration by the carriers at a meeting last week and the following minute record:—

"Mileage Rates on Traffic to and from Connecting Lines"

"Roads interested announced that effective on legal notice they would amend their Local Mileage Tariffs to provide that on traffic delivered to or received from connecting lines the following deductions would be made:—

"When the rate to and from the junction point is over $7\frac{1}{2}$ cents per 100 pounds, deduct 1 cent per 100 pounds.

"When the rate to and from the junction point is $7\frac{1}{2}$ cents per 100 pounds or less, deduct $\frac{1}{2}$ cent per 100 pounds—subject to a minimum of 4 cents per 100 pounds.

"It was understood that this would not conflict or change any tariffs now in effect providing for different deductions.

"The amendments necessary to the tariffs will be made in due course."

This action, it will be observed, will provide for a considerable measure of relief, not hitherto available, covering future movements of the character described on the list of commodities named.

APPLICATION OF MESSRS. GUY TOMBS, LTD., *in re* SWITCHING CHARGES ON COAL,
 OGDENSBURG TO PRESCOTT

Report of Chief Traffic Officer, March 23, 1923, concurred in by the Board

This is an application made by Messrs. Guy Tombs, Ltd., Montreal, Que., for a ruling of the Board with respect to the application of the provisions of General Order No. 252, dated October 26, 1918—the general Interswitching Order—in connection with the service performed by the Canadian Pacific Railway at Prescott on coal shipments moving through that point from Pennsylvania mines to Ontario points. The matter has been developed through the written submissions of the parties.

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The traffic herein involved is bituminous coal shipped from Pennsylvania mines to Mille Roches, Ont., via Ogdensburg and Prescott. There are no through rates in effect via this route and the through charges on such traffic consist of the combination of the following rates:—

- (a) Rate of the United States carrier from mines to Ogdensburg, N.Y.
- (b) Rate of the Canadian Pacific Car and Passenger Transfer Company from Ogdensburg to Prescott.
- (c) Local switching rate of the Canadian Pacific Railway from car ferry to interchange with Canadian National Railways (Grand Trunk) at Prescott.
- (d) Rate of the Canadian National Railways (Grand Trunk) from Prescott to Mille Roches.

The question submitted for ruling of the Board by applicants in their letter of November 29, 1922, is set out as follows:—

“We wish to advise we would like to obtain a definite ruling on this matter, i.e., whether the Grand Trunk Railway should absorb half of the C.P.R. terminal switching at Prescott, as per Board of Railway Commissioners for Canada General Order No. 252.”

Section 1 (a) of the Board's General Interswitching Order No. 252, reads:—

“1. For the interpretation, application, and operation of this order,—

(a) ‘Interswitching’ means the movement of freight in cars between the unloading or loading tracks of one carrier, hereinafter called the ‘terminal carrier,’ and the point of interchange with another carrier by whom, singly or jointly with a further carrier, the said traffic has been carried from its point of shipment or is to be carried to its destination, hereinafter called, singly or jointly, the ‘line carrier,’ both the terminal carrier and the line carrier which interchanges with the terminal carrier being subject to the jurisdiction of the Board; the said movement being performed with or without the aid of an intermediate carrier whether subject or not to the jurisdiction of the Board, hereinafter called the ‘intermediary.’”

Section 12 of the order reads:—

“Traffic to or from the United States shall be subject to the provisions of this order at the point of shipment or destination in Canada.”

Attention is directed to the provision in section 1 that interswitching means the movement of freight in cars between the unloading or loading tracks of the terminal carrier and the point of interchange with the line carrier. I am of the opinion the application of the order is expressed with sufficient clearness and provides for an interswitching service, subject to the various provisions of the order, at the point of origin or destination of the traffic, and this was the object of the insertion of the words “unloading or loading tracks.” In the Board's judgment in connection with the Interswitching Order it is stated:—

“It should be stated *im-primis* that an interswitching service is of value to the public; it is not only a convenience but works economy and expedition in transportation. By it the traffic of the carrier originating and hauling it to its destination is delivered to the consignee who is located on the tracks of another railway within the same terminal or group of terminals, or having been loaded on the sidings of one carrier is by it transferred locally to the railway over which it is to be taken to its destination.”

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The traffic referred to by applicant does not originate at Prescott and therefore is not unloaded or loaded at that point. This is through traffic from the United States and would be subject to the provisions of section 12 of the order at the point of destination in Canada. Prescott is not the destination, nor is it the point of origin either in fact or under the wording of the Inter-switching Order. The charge of the Canadian Pacific Railway for movement of this traffic at Prescott from car ferry to interchange with the Canadian National Railways (Grand Trunk) is not published in that company's inter-switching tariff. It is published in their local tariff, C.R.C. No. E-3669. I consider this charge on a movement such as herein described is part of the through rate made up of the combinations already herein referred to and in no way subject to the terms of the Interswitching Order.

APPLICATION OF CANADIAN NATIONAL RAILWAYS *re* CLOSING DIVISIONAL POINT AT JASPER, ALTA.

Judgment of Chief Commissioner, February 27, 1923, concurred in by Commissioner Lawrence.

This case arose from the application of the Canadian National Railways, under date of July 7, 1922, asking for leave "to close the divisional point at Jasper and consolidate it with the existing terminal facilities at Lucerne."

This application was supported by a memorandum, dated the 5th day of June, setting forth the reasons for deciding in favor of Lucerne, as follows:—

First: The more satisfactory length of runs from a practicable standpoint, having regard to the aggregate length and percentage of gradients on each subdivision.

Second: The better distribution of aggregate tonnage for freight trains between the respective terminals.

Third: The relative amount of traffic handled over respective lines.

In the application the railway company asked the Board, "if there was no operating objection which the Board felt they should take notice of," to issue immediate approval of the change and consolidation, with the proviso that the company properly compensate such of its employees as were occasioned financial loss by reason of the change of residence.

The question of financial loss, I take it, plays no material part in arriving at a conclusion in this case, because under the provisions of section 179 of the Railway Act it is provided that the company shall not.....abandon any station or divisional point, or create a new divisional point, which would involve the removal of employees, without leave of the Board, and where any such change is made the company shall compensate its employees as the Board deems proper, for any financial loss caused to them by change of residence necessitated thereby.

It is well known that both the Grand Trunk Pacific and the Canadian Northern Railways paralleled each other, in many cases so close together that they formed practically one double-track railway, all the way from Edmonton, through the Yellowhead Pass, to Red Pass Junction, it being the point where they diverged; the Grand Trunk Pacific going northwesterly to Prince Rupert, and the Canadian Northern southwesterly to Vancouver.

In the construction, the Grand Trunk Pacific chose Jasper, which is 17 miles east of the summit of the Yellowhead pass, as their divisional point in that particular locality; and the Canadian Northern chose Lucerne, which is five miles west of the divide, as their divisional point; the two being 22 miles apart.

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When the two roads became merged into one, under the ownership of the Canadian National Railways, it became evident to all parties concerned that either one or the other of these points must be abandoned as a divisional point, because there would be no justification from an operating standpoint for maintaining the two. This, naturally, raised a storm of protests from the residents of both localities against the change being made in favor of the other; and while matters of this kind would generally be matters to be decided by the railway itself, the Board felt there was so much involved that some further investigation should be had and accordingly, when the Board went west in September, hearings were held at both Jasper and Lucerne, on the 12th day of September last, at which Messrs. Heaman and Cameron appeared for the Canadian National Railways; Mr. R. E. McLaughlin appeared for the citizens of Jasper; Messrs. J. A. Cameron, conductor of the Canadian National Railways, and C. W. Blackstock appeared for Lucerne; Messrs. M. McKenzie and E. B. Duke appeared for the engineers and firemen; Mr. John Callahan appeared for the province of Alberta.

Practically everything was said by the respective parties which, in my judgment, could be said for the merits of the proposals which they supported, and I was particularly pleased that the representatives of the two communities, as well as of the employees, confined their arguments purely to the operating question involved, and made no comparisons between the two places from any other standpoint; and, therefore, in arriving at a conclusion I feel the Board should consider the case only from the same standpoint.

An element of some importance, although not a major one, is the investments already made at each of these divisional points, and from an exhibit filed by Mr. Heaman, the railway company claims that the investment at Jasper is \$240,910, with a storage capacity in yards of 240 cars; and the investment at Lucerne is \$83,840, with a storage capacity in yards of 200 cars.

These figures are not very different from those given by Mr. Callahan, who claimed that if the terminals were consolidated at Lucerne the loss would be \$285,000; and if at Jasper, the loss would be \$70,000.

It was stated at Jasper by Mr. Heaman that there were thirty-three families at both places, who owned their own homes; but, it was also stated by Mr. Blackstock at Lucerne that there were fifty-six or fifty-eight families, who owned homes at that point. This statement is also found in Mr. Hungerford's memorandum, and we have no further evidence upon the Question, excepting in the statement submitted by Mr. Callahan, where the value of employees' houses at Jasper was placed at \$60,000, and at Lucerne \$20,000.

It was submitted that the water supply at Jasper, while not actually deficient, was not as good as that at Lucerne; but, as I viewed the discussion, it was more a question of improving the dam at the lake and possibly increasing the pipe line, than a shortage of water. However, in answer to this proposal, it was stated by Mr. Callahan that if more water became necessary, it would not be an expensive matter to pump the same from the river in times of low water, in the months of December, January and February.

This, I think, brings us to a consideration of the actual operating conditions upon the road, considered from the standpoint of either one or the other being chosen as a divisional point.

The divisions, east and west, with Jasper as a divisional point, would be:—

Edson to Jasper.....	106.3 miles
Blue River (on C.N.R. to Vancouver) to Jasper.....	132.9 "
McBride (on G.T.R. to Prince Rupert) to Jasper.....	107.9 "

and taking Lucerne as a divisional point, the divisions would be:—

Edson to Lucerne.....	128.5 miles
Blue River to Lucerne.....	110.7 "
McBride to Lucerne.....	85.7 "

It seems to me these figures do not bear out the first reason set forth in the memorandum of Mr. Hungerford, namely: that more satisfactory length of runs from a practicable standpoint, having regard to the aggregate length and percentage of gradients on each subdivision, would be obtained.

With a full tonnage train it is now a very hard division from Edson to Jasper, 106.4 miles; but if the divisional point is changed from Jasper to Lucerne, making the division 128.6 miles, this will add about 17 miles of a .5 grade to the end of a westbound trip.

Against this, if the divisional point is made at Jasper, in the eastbound movement the last 17 miles will be on a descending grade, consequently easier on both the men and the engine.

Making Lucerne the divisional point does not seem to be in the interests of the railway company or the employees in train service, particularly the enginemen, for the following reasons:—

If the divisional point is at Jasper, you start west with an engine fresh from the roundhouse, where it has recently undergone any necessary repairs and is in the best of condition to take the maximum tonnage train over the grade without difficulty. The enginemen are also starting out in good condition after having their usual rest from a former trip. The engine having been repaired, fire cleaned, etc., they experience no difficulty in furnishing a full head of steam, which enables them to handle with ease a full tonnage train. But, on the other hand, if the divisional point be at Lucerne, a westbound train leaves Jasper with the enginemen already tired after going over 106.4 miles of a very hard run with an engine which is, to say the least, not in the best of condition—the fire dirty and, in many cases, very badly clinkered; and in numerous instances the supply of sand about exhausted, with about 17 miles of heavy grade to the summit.

Therefore, if the divisional point were at Jasper, I believe the company would economize both in man and locomotive power.

From the evidence comparisons have been made as to the haulage capacity of an engine with Lucerne and Jasper as divisional points, and for the purpose of these illustrations, the engine capacity used is 35 per cent.

I have not considered the westbound haulage for the reason that it is descending grade generally, and the preponderance of the loaded car movement is eastbound.

The tonnage rating out of McBride is 2,050 tons, reducing at Tete Jaune to 1,050 tons, and increasing at Red Pass Junction to 1,345 tons, with a further increase out of Lucerne to 1,815 tons, which holds as far as Jasper.

The rating out of Blue River, for the controlling grade, is 1,235 tons.

The distances are, McBride to Lucerne 85.7 miles, and Jasper 107.7 miles; and from Blue River to Lucerne 110.7 miles, and Jasper 132.9 miles.

I have calculated on using a helper engine from Tete Jaune to Lucerne and Tete Jaune to Jasper, in the illustrations. To handle one train from McBride and two from Blue River, including the sending out of the helper from Lucerne to Tete Jaune, the three trains carrying a total of 4,520 tons, all into Lucerne, 401.5 engine miles are used. To haul the same tonnage from Lucerne to Jasper in two trains, one with 1,815 tons, and the other with 2,705 tons (two engines), 66.4 engine miles are used; and with the return of the helper to Lucerne makes a total of 499.1 engine miles.

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Again, to move the same trains to Jasper direct uses a total of 508.5 engine miles, or a balance of 9.4 in favour of the first illustration. If, however, the constructive mileage McBride to Lucerne of 15 miles is considered, it makes the showing 514 miles, and one might reasonably consider that for the helper service, Lucerne to Jasper and return, might come at a time when it would mean paying 100 miles for the short trip, which would make the total considerably higher than the illustration of making Jasper the terminal.

What impressed me, however, more than any of the highly technical evidence hereinbefore referred to was the outstanding fact that, if Lucerne were established as a divisional point, then the summit has to be approached from the east for the last 8 miles on a .5 grade, and from the west on a .7 grade, because in doing so the grade of the Canadian National has been used for some miles on each side of the summit; and at Lucerne it is 8 feet higher than the grade of the Grand Trunk Pacific. Whereas the grade of the Grand Trunk Pacific line, approaching the summit from both east and west, is only four-tenths of one per cent.

I am aware that the Grand Trunk Pacific line has been abandoned for some miles in this vicinity and if ever re-established, some expense would be necessary in doing so; but, it is my opinion that this Board should do nothing which would practically tie the hands of the railway company for all time and prevent them from using the four-tenths grade of the Grand Trunk Pacific through the Yellowhead Pass, which has been produced only by the expenditure of millions of dollars of public money.

If the divisional point were placed at Jasper, which is on the Grand Trunk Pacific original line, it would still leave the railway company free, if at any time in the future business was sufficiently great to justify the abandonment of the present location, to take the old Grand Trunk Pacific grade, thus actually crossing the Rocky mountains on a four-tenths grade.

I am aware that west of the summit there is a one per cent grade from Tete Jaune to Red Pass Junction, a distance of about 20 miles, and on the Canadian Northern line there are two .7 grades between Blue River and Red Pass Junction, both of which are pointed out as reasons why there would be nothing gained by going back to the Grand Trunk Pacific grades on the summit; but that phase of the question has been already discussed and, I think, satisfactorily answered.

I also realize that, during the war, for the purpose of obtaining rails for our army in France, it became necessary to consolidate these two roads, and a very difficult problem faced the engineers who had the work in charge. They had the natural prejudices and sympathies of the officials of both companies to contend with, and the local sympathies of the communities on each of these lines of railway. They had to some extent business conditions to contend with; and, therefore, it has never been contended that the consolidation, as we now find it, was based strictly upon the best line from a purely operating standpoint. If it had, it seems to me there could be no question but that the Grand Trunk Pacific line would have been adopted throughout. In fact it was admitted at the hearing that the Grand Trunk Pacific line is much the better freight line. With the exception of the pusher grade from Tete Jaune to Red Pass Junction, in no place does this grade exceed four-tenths of one per cent from the Pacific ocean to Edmonton.

For these reasons, I think the application should be refused, and the divisional point should be consolidated at Jasper, in the province of Alberta; and an order issued accordingly; the work to commence not later than the first day of April next and to be completed not later than the 1st day of October next; the financial loss, if any, involved by the removal of employees from Lucerne to Jasper to be paid by the company. If in any, or all cases, they are unable

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to agree as to the actual loss of money, then the same to be settled by the Board by such means as it may think proper.

COMPLAINT OF GUY TOMBS, LTD., *re* OVERCHARGE ON A CARLOAD OF SODA ASH,
AMHERSTBURG (WALKERVILLE) TO MILLE ROCHES, ONT.

Judgment of the Assistant Chief Commissioner, dated October 26, 1923, concurred in by the Chief Commissioner and Commissioner Boyce

Complaint is made of a 37 cent rate on a carload shipment of Soda Ash from Walkerville, Ont., to Mille Roches, Ont., as contrasted with a rate of 35 cents contemporaneously in force to Windsor Mills, Que. It is claimed that under the long and short haul clause the 35 cent rate should be the maximum.

Section 329 of the Railway Act, in dealing with special freight tariffs, provides—

“and greater tolls shall not be charged for a shorter than for a longer distance over the same line in the same direction, if such shorter distance is included in the longer.”

This is to be read in conjunction with section 314, subsection 5, which provides—

“ The Board shall not approve or allow any toll, which for the like description of goods, or for passengers carried under substantially similar circumstances and conditions in the same direction over the same line or route is greater for a shorter than for a longer distance, within which such shorter distance is included, unless the Board is satisfied that, owing to competition, it is expedient to allow such toll.”

The shipment in question moved from Walkerville on October 16, 1922. By Supplement 66 to C.R.C. No. E-4478, effective July 9, 1923, the Canadian National revised its rates on Soda Ash from Amherstburg; and under this tariff the rate to Mille Roches is 2 cents under Windsor Mills.

The status of the rate at the time the shipment concerned moved remains for consideration.

The railway, in its written submission, states that under its Eastbound Billing Guide from Detroit, Windsor Mills is shown as taking the Sherbrooke rate. It is set out that the United States lines working south of lake Erie applied, in connection with the Boston and Maine Railway, the Boston rate of 35 cents to Sherbrooke. Windsor Mills is, in fact, intermediate to Sherbrooke.

While the rate of 35 cents to Sherbrooke is referred to as the Boston rate, it appears by Supplement 49 to B. T. Jones tariff C.R.C. No. 734, that, effective when the shipment moved, the Detroit-Boston rate was 34½ cents, while the rate published to Sherbrooke was 35 cents.

It would appear that as a matter of rate practice, or convenience, Sherbrooke was a base point so far as Windsor Mills was concerned; and the railway in effect contends that there being a competitive situation at Sherbrooke the same competitive situation was extended to Windsor Mills, by giving it the Sherbrooke rate; that is to say, Windsor Mills became “competitive,” thus taking it out from under the long and short haul clause.

Under section 314, the Board, in order that the long and short haul clause may not be operative, has to be satisfied that “owing to competition it is expedient to allow such toll.”

While there is, as indicated, competition at Sherbrooke with United States' lines and their connecting line, this competition does not exist at Windsor Mills. This point is served both by the Canadian National and the Canadian Pacific; but it is not urged that this takes it out of the long and short haul clause.

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The competition existing at the base point cannot be extended by inference to the point at which the same rate is given but which is, in fact, not subjected to the competition.

On the record, the rate in question was in violation of the long and short haul provision of the Railway Act. A declaratory Order to this effect should issue.

In re EYE TESTS. GENERAL ORDER NO. 94.*Judgment of Chief Commissioner, March 27, 1923*

At the hearing in this case, on the 21st of November last, Mr. Flintoft contended that there was an ambiguity in the rules governing the vision test, especially of engineers, claiming that rule 17 must, evidently, be a misprint, because it was inconsistent with the standard set out for re-examination.

Mr. Cobb, representing the Brotherhood of Locomotive Engineers, contended that the final decision should depend upon the field test; and, if I correctly understood the argument, these were the two points upon which the Board was asked to render a decision.

I agree with Flintoft that there is some ambiguity in the rules, especially No. 17, when compared with the re-examination provisions, under the heading of "Standards of Visual Acuity, Indoor Tests." Rules 15, 16, 17 and 18, of General Order No. 94, seem to be the four rules under revision at this hearing.

No. 15—

"Enginemen who have less than 20-30 vision in either eye, without glasses, must be examined by a qualified oculist."—
plays a very small part; simply providing that if an engineman's eyesight appears to be growing defective on the ordinary annual examination, then he must be examined by a qualified oculist.

No. 16 refers to Class A Enginemen, and is as follows—

"Enginemen in Class A who fail to reach required standard must be examined by a Committee of two appointed by the No.....and upon recommendation of this Committee they may be permitted to wear glasses provided their combined vision can be brought to 20-20; Committee to recommend the service to which they may be assigned."

The re-examination statement is as follows:—

"20-20 combined not less than 20-70 in either eye; or 20-30 combined not less than 20-40 in either eye without glasses. See rules 8, 15, 16, and 18."

and I fail to see any ambiguity between these; but the real difficulty seems to be rule 17, which reads as follows:—

"Enginemen in Class B whose vision without glasses is less than 20-50, and either eye less than 20-70, or nil, must be examined by a committee of two, appointed by the No.— and if vision by the aid of glasses can be brought to 20-30 must wear glasses; committee to recommend service to which they may be assigned. (See rules 15 and 18.)"

A careful examination of this rule would seem to me to mean that an engineman, whose vision without glasses is less than 20-50 and either eye less than 20-70, or nil, must be examined . . . , and if vision by the aid of glasses can be brought to 20-30, he must wear glasses and is to be recommended by the committee for the service to which he should be assigned. As I understand it, this would mean that a man with one totally blind eye, who by the aid of glasses could have his vision brought to 20-30, would pass the test; but

when you read the re-examination statement, it is there found that the man with one blind eye could not possibly pass the test. This statement is as follows:—

“20-30 combined not less than 20-50 in either eye without glasses. When combined vision without glasses is not less than 20-50 and neither eye less than 20-70, and by the aid of glasses combined vision can be brought to not less than 20-30, enginemen must wear glasses. See rules 8, 9, 10, 13, 15, 17, and 18.”

This difference seems to have been caused by an omission from the re-examination statement of the words, “or nil”; and as it now stands, it means that the minimum sight required to pass the examination would be a combined vision without glasses of not less than 20-50 and neither eye of not less than 20-70; and a combined vision with glasses of not less than 20-30. Therefore, as they do not agree, in my opinion, the re-examination statement should be amended to correspond with rule 17, and the words, “or nil” inserted after the figures “70,” in the seventh line of the statement; and the word “neither” should be changed to “either,” in the sixth line thereof.

It would then read, “When combined vision without glasses is not less than 20-50, and either eye not less than 20-70, or nil, and by the aid of glasses combined vision can be brought to not less than 20-30, enginemen must wear glasses.”

I take it that a man possessing such defect in vision would be recommended for service which he could perform, such as yard service, and that in a yard in which there would not be a very congested traffic; but that is a matter which would have to be worked out by the railway companies themselves.

As to the contention of Mr. Cobb that the final decision should depend upon the field test, it seems to me this matter has already been decided by the Board and requires very little further discussion on my part. I find on going over the file that on the 20th day of June, 1912, after a hearing, a judgment was issued herein, signed by Mr. D'Arcy Scott, then Assistant Chief Commissioner, and agreed to by Commissioners McLean and Mills, in which the following principles were laid down, namely:—

“1st. No person shall be employed in railway service until he has passed the indoor test satisfactorily.

“2nd. Any employee going up for a periodical examination or an examination for promotion, shall be examined by the indoor test; and in case he fails to pass the indoor test satisfactorily, he shall be given an outdoor test, according to the uniform rules submitted herewith; and in such case the latter shall be taken as the governing test; and, during the outdoor examination, the candidate shall be permitted to wear glasses, as provided for in the said rules, if he wishes to do so.”

This was followed by Order No. 17211, dated the 24th day of July, 1912, in which all railway companies, subject to the jurisdiction of the Board, were to adopt and put into force not later than the 1st day of November, then next, the rule set forth in the schedule thereto annexed, under the heading, “Uniform Rules Governing the Determination of Visional Acuity, etc.,” which is our present General Order No. 94.

It would seem that there was some question as to the proper interpretation of this order, because on the 14th day of April, 1913, Mr. C. Lawrence, then Dominion legislative representative of the Brotherhood of Locomotive Engineers, wrote to Mr. Scott the following letter, namely:—

“Will you kindly give us a ruling upon the following question that has arisen in the course of negotiations between the officials of the Cana-

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dian Pacific Railway and the committee representing the locomotive engineers employed on that system.

"The point at issue being as to whether or not upon periodical re-examination of engineers in the service, should they fail to pass the technical indoor test, they are entitled to receive the field test provided for in the rules, the result of the field test to govern. In other words, that if the person so re-examined, can pass the field test, that he is entitled to remain in the service, regardless of the result of the indoor test.

"This is a matter of great importance to railway employees of Canada and we will be very much obliged to you for a reply at your earliest convenience."

Evidently Mr. Scott submitted this letter to Mr. Nixon, then Chief Operating Officer, because we find that on the 15th day of April, 1913, Mr. Nixon submitted a memorandum to the Assistant Chief Commissioner, in which he quotes the principles laid down by the Board in the judgment hereinbefore referred to, and specifically stated as follows: "if an engineman, under Class 'A,' fails to pass the indoor test, but passes a satisfactory outside or field test, which is with combined vision, I consider no exception should be taken with his visual qualifications, and that such employee should be permitted to retain his seniority and continue in the regular employment to which he is assigned."

This was followed the next day, April 16, by a letter from Mr. Scott to Mr. Lawrence, as follows:—

"In answer to yours of the 14th instant, I beg to hand you Mr. Nixon's report, which bears out the verbal opinion I gave you, that an engineman who fails to pass the indoor test when going up for his periodical examination, should be entitled to an outdoor test, and if he successfully passes that he should be permitted to retain his position. I agree with this."

It would seem that Mr. Nixon was only considering Class A enginemen at the time, but Mr. Scott's letter makes no such distinction, and seems to include all enginemen. Therefore, it seems to me the rules were interpreted and I see no reason for interfering with the same at the present time.

I, therefore, think that the schedule for Class B enginemen under the Standards of Visual Acuity should be amended as hereinbefore referred to, and there should be a formal declaration that when an engineman, on his periodical examination, fails to comply with the requirements of the indoor test, as hereinbefore described, and wishes to take the outdoor test, an opportunity should be provided for the same, and if he qualifies on the outdoor test, he should then be permitted to remain in the service, subject to assignment as provided for by the rules.

All the railway companies, subject to the jurisdiction of the Board, should reprint their General Instructions, quoting General Order No. 94 as it will read, as amended herein.

COMPLAINT OF CANADIAN NATIONAL AND CANADIAN PACIFIC RAILWAY COMPANIES RE
TARIEFS MICHIGAN CENTRAL RAILWAY, *et al*, ON EXPORT RATES UNITED
STATES ATLANTIC PORTS

Judgment of Chief Commissioner, April 18, 1923, concurred in by Assistant Chief Commissioner, Commissioners Boyce and Lawrence, adopting report of Chief Traffic Officer, April 16, 1923, as Board's Judgment.

It is my opinion that the report furnished this Board by Mr. Campbell, the Chief Traffic Officer of the Board, correctly sums up the situation; and I am, therefore, disposed to adopt the same as the judgment of the Board.

In arriving at this conclusion, I did not find it necessary to specifically decide upon the point raised by the American railways, namely: that as they were not respondents in the 1905 hearing, the order would not apply to them; because, as the decision is in their favour, it is unnecessary to answer that particular argument. I am, however, largely influenced in my decision by the fact, that only a few months after the order of 1905 was issued, protest was made by Mr. Loud, Chairman of the Advisory Committee of the Canadian Freight Association, which was considered and reported upon by the late Mr. Hardwell, under date of March 29, 1906; in which, with the whole question fresh in his memory and having been the originator of the order of 1905, he felt that the difficulty could be obviated by treating the rate situation, with respect to Southern Ontario lines, during the summer, as a purely competitive condition; and thereafter, for eleven years, things went on without protest from any person and, probably, it would have continued had it not been that during the exigencies of war in 1917 a voluntary change was made by the railway companies which lasted for three years. When they wished to go back to the old condition of things this application was launched.

Therefore, I feel compelled to agree with not only the arguments, but conclusions of Mr. Campbell, and think his report should be adopted as the judgment of the Board.

OTTAWA, April 16, 1923.

REPORT OF CHIEF TRAFFIC OFFICER

This report is issuing as the judgment of the Board in this matter.

This is a complaint made by the Canadian National and Canadian Pacific Railways, hereinafter referred to as complainants, against the tariffs published by the Michigan Central, Toronto, Hamilton and Buffalo, Pere Marquette, and Wabash Railway Companies, hereinafter referred to as the respondents, from southern Ontario territory served by the respondents, on export traffic to New York during the summer months or open season of navigation at Montreal. It is alleged that the tariffs complained of contravene the provisions of the Board's Order No. 586, dated July 25, 1905. This order was modified with regard to the provisions of section 1 by Order No. 641, dated September 4, 1905.

Very briefly, the situation before the Board at the time of the complaint resulting in the order in question was that at that time, and for a great many years previously, the export rates from Chicago, Detroit, Port Huron and intermediate points to Montreal were lower than to New York, generally speaking, by 2 cents per 100 pounds. The policy of the carriers during all this period had been to apply to Montreal the Philadelphia basis, which was lower than New York. However, while maintaining this lower basis to Montreal from United States points west of Ontario, from Ontario points the export rates were the same to Montreal, New York and Philadelphia. The rates from points east of Chicago, were based on varying percentages of the Chicago-New York rate. The Board's orders prescribed from Ontario points—

First, revised station groupings and maximum percentages of the Chicago-New York rate to be applicable therefrom to New York which were more favourable to the public than the basis of rates previously charged.

Second, that export rates to Montreal, instead of being the same as to New York, were to be the same difference below the New York rates as existed from Chicago, Detroit, Port Huron and intermediate points; with the further stipulation that the ordinary summer class and commodity rates to Montreal were not to be exceeded on export traffic.

The portions of the Board's Order No. 586 relevant to what is herein involved read:—

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"It is Ordered:

1. That so long as the companies owning or operating railway lines in Ontario find it convenient and expedient to continue the prevailing system of computing their rates to the Canadian and United States Atlantic seaboard, on freight traffic for export, on the basis of percentages of the co-existent rates from Chicago to New York, or until otherwise ordered by the Board, the said companies shall, for the station groupings and percentages previously adopted, and now in use, substitute the following station groupings, and the following maximum percentages of the Chicago to New York rates.

2. That when, as now, the rates to Montreal on export freight traffic from Chicago, Detroit, Port Huron and intervening points are lower than the rates in effect on the same traffic, at the same time, from the same points, to New York, then at least the same difference shall exist between export rates from Ontario points and the rates in effect on the same traffic, at the same time, from the same points, to New York, the rates to Montreal to be the lower; and the ordinary summer class and commodity rates to Montreal (city) shall not be exceeded on export traffic, on which the said rates shall be subject to section 252, subsection 3, of the Railway Act, 1903, as modified by section 262, subsection 4."

During all this long period previous to the issuance of the orders in question, the export rates from Ontario points to Montreal and New York were the same. Subsequent to the promulgation of the order, which provided for lower rates to Montreal than to New York, the respondents issued tariffs applying from the southern Ontario territory referred to to New York, Philadelphia, Baltimore and Boston, meeting the reduced rates to Montreal during the period of the year that the port of Montreal was open, and reverting to the higher maximum, or normal, basis to New York as prescribed by the Board, after the close of Montreal navigation. In other words, it will be observed that the action of the respondents was the continuation of their policy of maintaining the same rates to Montreal and New York, but as under the provisions of the Board's order they could no longer apply to Montreal the normal New York rate, they met the situation by reducing the New York rate to the Montreal basis which, of course, reduced their former basis of earnings on this traffic and correspondingly benefited the shipping public they served in this territory. This situation has existed since 1906 up to the present time, except for an interval from 1917 to early in 1920 when, owing to the situation at the United States ports as a result of conditions created by the war, the respondents did not feel it expedient to meet the Montreal competition.

The respondents contend their action was necessary for the purpose of meeting a competitive situation. The position taken by the Toronto, Hamilton and Buffalo Railway Company may be summarized as follows: That company had always enjoyed a considerable tonnage of export traffic from its stations via Niagara Frontier to United States ports. From Hamilton it is the only possible way in which it can secure any of this traffic. Approximately 75 per cent of their tonnage is westbound from Niagara Frontier points and it is necessary to secure all available tonnage eastbound in order to keep down empty car haul. They submit that the Board's order fixed maximum rates, not minimum rates, and they should not be debarred from making rates to meet any competition existing, provided the rates published do not cause them to lose money in handling such traffic. To disturb the present situation and take away their right to meet competition will seriously handicap the business of that line. The position taken by the other respondents is largely along somewhat similar lines.

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Of course, at the time of issuance of the orders in question in 1905, this Board could not have known or even anticipated what position would be taken by the respondents from a competitive standpoint. However, in 1906 the policy of the respondents became apparent, and in a letter dated February 19, 1906, from Mr. John W. Loud, chairman of the Advisory Committee of the Canadian Freight Association, addressed to the Board, the following reference thereto is found:—

“Some Canadian lines operating via the Niagara frontier, as for instance, the T. H. & B. and Michigan Central Railroads, consider they cannot maintain to New York on export traffic a higher rate than is made to Montreal, thus nullifying the first order of the Board, which prescribes that the Montreal rate shall be the lower.

“If the Canadian Pacific and Grand Trunk Railways insist on carrying out the first order, and the Niagara frontier lines insist on maintaining the principle they contend for, it follows that there must be repeated reductions, thereby creating demoralization and a discrimination between localities.”

In a supplementary report of the late Chief Traffic Officer of the Board, dated March 29, 1906, he stated:—

“The policy of the Michigan Central, and the other lines operating via the Niagara frontier, in insisting on charging the Montreal rates to New York in order that their export traffic might not be diverted through the Canadian port, created a competitive condition which can be met without disrupting the Board's basis. Mr. Loud does not say so, but the lines whose interests converge at New York have carried out this policy for several years past. The difficulty referred to by Mr. Loud can be obviated by treating the rate situation in territory competitive with the Niagara frontier lines, during the summer season—for it is only a summer condition, during open navigation at Montreal—as a purely competitive condition, by waiving, for the time being, the differential in favor of Montreal from the territory in question. This would avoid the reactive reductions anticipated by the Association.”

This is the point now at issue. The complainants, however, dropped the matter and the situation has existed without further representations to the Board from any source until the question was again raised by the complainants in 1921. Reference to the Board's tariff files shows that the Canadian National (Grand Trunk) met the competitive situation last year by the issuance of a special competitive export tariff naming the same rates as the respondents from the Ontario territory in question to New York, Boston, Philadelphia and Baltimore.

The complainants submit that the order stipulates that the rates to Montreal are to be lower by the difference prescribed than the rates to New York, consequently the tariffs of the respondents violate the order. They argue it might be held, under a literal reading of the order, that they should establish rates to Montreal from this southern Ontario territory 2 cents lower than the reduced rates published by respondents to New York, which, if again met by respondents, would have to be followed again by similar action and carried to its extreme conclusion would go on until the zero mark was reached. It is also submitted that the present situation produces a discrimination in favor of certain localities and consequently might result in tearing down the whole rate structure prescribed by the Board's orders in question. Reference is also made to other features, such as insurance rates being higher on the St. Lawrence

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river route from Montreal than from the Port of New York, and the limited number of sailings out of Montreal as compared with New York.

The Canadian Manufacturers' Association, on behalf of a number of interested shippers, as well as a number of shippers directly, have intervened, and their position, summed up, is that while they believe, generally speaking, in patronizing their own national ports, it is necessary to have also available the United States ports. They contend the present and long-standing rate adjustment is reasonable and necessary, and protest very strongly against any change being made.

The orders were issued in 1905 and the situation which has subsequently existed for all these years is set out above, but it seems necessary to now deal with the issue by reference to what the order says, or, if the order is not expressed clearly, then to define what the order does mean, and, if considered necessary, amend it.

Order No. 586, section 1, ordered the companies to "substitute the following station groupings and the following maximum percentage of the Chicago to New York rates." For example, under this order St. Thomas, Ont., is a 73 per cent point. The order says that is the maximum percentage, but it does not prescribe any minimum percentage, or say, either in words or by inference, that the companies cannot publish rates from St. Thomas on, say, a 68 per cent basis if, in their discretion, they wish to do so.

Section 2 is already quoted herein. After carefully reading the record, based on which this order was issued, it seems to very clearly support the statement that the reference therein to rates from Ontario points to New York had reference to the normal rates from these points to New York, as distinguished from competitive rates. At the time this section was drafted there was nothing before the Board indicating what competitive situation might subsequently be found to exist by any of the interested railway companies, otherwise this section of the order would undoubtedly have been more clearly expressed. The proposition that the Board intended by this Order to establish minimum rates, and to prohibit competitive rates, and that is what the submissions advanced by complainants really amount to, is a somewhat novel contention. These are functions which, under the provisions of the Railway Act, by which this Board is governed, are left to the discretion of the companies, subject always to review or modification by the Board, if undue preference or unjust discrimination is alleged, under other applicable sections of the Act. As to the point raised that the present rate adjustment from the territory in question might result in disturbance of the rate structure from other territory, it may be stated that this does not follow as a corollary so long as the provisions of the Railway Act dealing with competition are as at present.

I am satisfied, after careful consideration of the various submissions, that the rates from this southern Ontario territory to New York may properly be considered as competitive. In view of what is herein stated and which is in reality the manner in which the order has been interpreted by a number of interested companies during all these years since its issuance, there would seem no particular necessity on the present record for an amending order.

Re RATES ON GRAIN FROM PRAIRIE POINTS TO PACIFIC COAST PORTS FOR EXPORT

Judgment of Chief Commissioner, October 9, 1923, concurred in by Assistant Chief Commissioner, Deputy Chief Commissioner and Commissioners Boyce and Lawrence; Commissioner Oliver's dissenting Judgment, October 10, 1923.

The Order in Council is as follows: —

"The Committee of the Privy Council had under consideration a certain petition of the Governor in Council by the Attorney General of the province of British Columbia acting on behalf of the province of British Columbia and by the Attorney General of the province of Alberta acting on behalf of the province of Alberta by way of appeal from a General Order of the Board of Railway Commissioners for Canada, dated the thirtieth day of June, 1922, made as the result of a general investigation and enquiry as to railway rates in Canada, directed by Order of the Governor in Council, dated the sixth day of October, 1920 (P.C. 2434), upon hearing Counsel for the petitioners for the Government of Manitoba and the Winnipeg Board of Trade and for the railway companies interested;

And it appearing that the question as to the rates on grain from points in the provinces of Alberta, Saskatchewan and Manitoba to Vancouver and other British Columbia coast points for export was not specifically dealt with in the said judgment of the Board;

The committee, therefore, recommends that the subject of the said export grain rates from points in the said provinces to Vancouver and other British Columbia coast points be referred to the said Board for immediate determination and such effective action as it may deem necessary.

The committee further recommends that the Order in Council of the twelfth day of September, 1923 (P.C. 1848), be rescinded.

All of which is respectfully submitted for Your Excellency's approval."

In October of 1920, by Order in Council P.C. 2434, this Board was directed by His Excellency the Governor in Council to enter into an investigation as to whether or not discrimination in the general rates of the railway companies existed as against Western Canada, as compared with those in existence in Eastern Canada.

The Board started an immediate investigation and some time thereafter the province of British Columbia asked to be heard, claiming that their domestic rates based upon the Mountain scale then existing were discriminatory as compared with Prairie rates, and asking generally that Mountain rates be abolished and Prairie rates substituted in lieu thereof.

Incidentally, on two or three occasions, during the hearing and the argument, reference was made to export rates on grain, but the Board did not feel they had been sufficiently developed to justify any special finding thereon; but as the judgment referred to in the said Order in Council was issued within a couple of days after the enacting of chapter 41 of the statutes of the Parliament of Canada for the year 1922, being the statute referring to the Crowsnest Rates on grain, so-called, for that year, the Board realized there would be complaints against the size of the spread between eastbound and westbound movements of grain, if there were no reduction made in the export rates on grain to Vancouver, and so informed the representatives of both the Canadian Pacific and Canadian National Railway Companies. As a result of these conferences, the railway companies voluntarily made a general reduction in export rates between Prairie points and Pacific coast points of twenty per cent.

Later on, the Province of Alberta joined with the province of British Columbia in an appeal to His Excellency the Governor General in Council, in which they asked not only that local rates between the two provinces be placed upon the Prairie rate basis, but that Crowsnest rates, so-called, be applied on all grains to be shipped from Prairie points to Vancouver and other Pacific ports for export and this is the real question which His Excellency the Governor

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General in Council has referred to this Board for decision; and, as under section 38 of the Railway Act, 1919, the Governor in Council has this right, the Board is now taking the earliest steps possible, in order to comply with such request.

The export rate situation in the United States has an intimate relation to the export rate situation in Canada. Taking grain as a characteristic commodity and taking Chicago as a common point, grain, for export to Europe, may find its export points at Montreal, Portland, Boston, New York, Baltimore, Philadelphia, and Newport News.

In connection with the movement through New York, the rate from Buffalo is exceedingly important and has a controlling effect as a maximum on the movement from Canadian Bay ports. In addition to the movement easterly and southeasterly, which has been referred to, the effect of the southbound movement to the gulf of Mexico should be borne in mind. For example, there is an extensive corn movement from Milwaukee to Bay ports for export, via Montreal. There is also a movement from Milwaukee, for export, by route combined of water to Buffalo and rail to New York; and there is also a water route by way of the lakes and the St. Lawrence.

Milwaukee ships wheat to Bay ports and also by the St. Lawrence route. At times, it draws from as far south as Kansas and may also draw from Eastern Colorado; but if there is a large volume of tonnage offering for ports in the gulf of Mexico, for example, Galveston, the result is that a combination of the lower ocean rate and the rail rate works farther north, thus coming closer to the lakes and taking traffic southbound which ordinarily might move either by way of Buffalo or by way of Bay ports and through Canada.

The situation, then, is that in the easterly half of the United States, taking a line drawn south from Chicago, say to Galveston, thus embracing a dense traffic territory, there is a range of ports from Galveston and New Orleans on the south to Montreal on the north, all in a competitive situation; and the rate adjustment which affects one affects the others.

Further, as bearing upon the effect of the southbound movement, it may be said that if a point is taken, say about Superior, Wisconsin, and a line drawn southeasterly, swinging down along the west shore of lake Michigan on to Savannah, Georgia, all points west of this line would be closer by direct rail mileage to the Gulf ports and South Atlantic ports than to New York. This, again is a factor which has a bearing upon the rate combinations working through Buffalo.

The effect of the port competition has been recognized in many decisions of the Interstate Commerce Commission. A brief reference to these may be made:—

It has recognized the justifiability of differentials existing at the North Atlantic ports. For example, in dealing with flour and grain rates from western ports to Boston, Philadelphia and Baltimore, it has held that the inland rates should be so adjusted as to enable each port according to its advantages to compete for export traffic.

Re-Differential Freight Rates (1905), 11 I.C.C.R., 13.

Again, in dealing with the question of the movement of grain, flour and provisions from western points to Atlantic seaports, it said in 1898 that the principle upon which the differentials were based was legitimate, namely: competition between inland carriers; and it held that the existing differentials were not lawful.

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New York Produce Exchange vs. B. & O. Rd. Co., et al, 7 I.C.C.R., 612.

It has stated that the export rate is really a portion of the through rate which must vary according to the cost of water transportation from the port to the foreign country.

Hecker-Jones-Jewell Milling Co. vs. B. & O.R.R. Co., 14 I.C.C., 356-360.

Whether export and import traffic will move through a particular port depends upon the combined rail and water rate to a foreign destination.

New England Investigation, 27 I.C.C., 560 & 615.

In dealing with the differential system already referred to, it has said that it is intended to adjust on a practicable basis the rivalries of the northern seaports on export, import and domestic traffic.

Scott Paper Co. vs. P.R.R. Co., 26 I.C.C., 601-602.

Referring to the Gulf rates, of which mention has already been made, it has said that export rates to the gulf are based on established differentials under the through rates to the North Atlantic ports, the Baltimore rates being taken as a standard.

Board of Trade of Chicago vs. I.C.R.R. Co., 26 I.C.C., 545-546.

In a case of involving export rates on steel from Chicago to Pacific ports, as compared with rates from Pittsburg to Pacific ports, it was said, on behalf of the Director General of Railroads, that the export rates were not made upon any consideration of reasonableness of rates in and of themselves, and length of haul and cost of transportation were not controlling factors; but that the rates were established to effect a better distribution of export tonnage between ports.

Inland Steel Co. et al vs. Director General of Railroads, 55 I.C.C., 462, 464.

It was recognized in this case that there was a water route available to Pittsburg on the east; that is to say, a combination of the rail-haul to the Atlantic seaports with a water route to the Pacific was available. The following language was used at page 466:—

“The distance from Chicago to its nearest port from which ocean routes to the Orient operate is considerably greater than the distance from Pittsburg to its nearest port, and whatever disadvantage industries at Chicago may operate under is not attributable to the defendant in this case; and in our view of the situation the cancellation or increase of the rate from Pittsburg to Pacific Coast ports would not remove such disadvantage.”

In dealing with export rates on cotton, the following language was used:—

“The export cotton rate adjustment as set out is the result of many years of tariff construction based on experience. The rate from a common point to each port is made with relation to the rate to some other port, so that a reduction in a rate to any one port entails the readjustment of the rates to all other ports, and a consequent reconstruction of this whole rate adjustment.”

Mobile Chamber of Commerce et al vs. Mobile & Ohio Rd. Co. et al, 32 I.C.C., 272, 275.

The mileage factor is not the dominating one. This is seen, for example, in the fact that prior to the establishment of federal control in the United States,

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San Francisco, Cal., and Seattle, Wash., were on a rate parity as to export traffic.

Mitsui & Co. vs. Director General et al, 64 I.C.C., 4.

In dealing with the matter of import rates, the Board of Railway Commissioners for Canada has had to recognize the situation arising out of port competition. The rate from Montreal is governed by the rate available from American ports. If it exceeds this the traffic will move by American ports.

In dealing with import rates, the Board has had to recognize that any change in a rate schedule which would advance the railway import rate, which represent part of the through movement, would simply mean that the business that is to-day done at the Canadian port would move through New York or some other ports in the United States, unless similar advances were made by American carriers.

Canada China Clay Co. vs. G.T., C.P. & C.N. Ry. Cos., 18 Can. Ry. Cases 347, 349.

The references made to the Interstate Commerce decisions are concerned with setting out from official documents the practice which exists in the United States.

In the export movement by way of Montreal, there is, as has been pointed out, the necessity of interaction between the rates from the North Atlantic ports in the United States and the rate that can be charged from Montreal. Further, the rates from the North Atlantic ports are keyed into a rate structure in which are included the South Atlantic ports and the gulf of Mexico.

Back of all this rate adjustment is the fact that the commodities concerned are being exported to a common market and the ability of the product produced in one section to compete in a common market with the product produced in another section is affected by the total rate combination by land and by water. This is especially recognizable in the case of grain, and the interaction of rates on the eastern section of North America, to which reference has been made, has been concerned with an endeavour to allow the portions of the commodity produced in different sections to compete on as even a keel as possible in a common market.

The rate adjustment so arrived at, taking these facts into consideration, are rate adjustments in a territory where the volume of traffic is the most dense per mile of line on the North American continent; and, further, is concerned with the movement to ports where there is a large and established volume of ocean tonnage much in excess of that offering to Pacific ports; that is to say, the existing rate adjustment is effected and modified downward by volume of traffic and volume of ocean tonnage.

In the Western Rates Case, a decision which was the outcome of a lengthy investigation dating back in its inception to November 14, 1911, and decided April 6, 1914, an exceedingly comprehensive study of Canadian rate structure was made.

Since that time, on account of increases in costs, rates have been increased by percentages, but the Board has been more than glad when from time to time it has been possible to reduce somewhat the increases which conditions had rendered necessary. Subject to the changes so made, including a reduction in British Columbia standard rates, the rate structure to-day is the rate structure which was sanctioned and directed under the Western Rates Case.

The Western Rates judgment said under the heading of "Grain to Vancouver for Export:"—

"A tariff designated 'Special Proportionate,' is on file containing the rates charged from Alberta and Saskatchewan to Vancouver on grain

and grain products for export to all countries, except the United States and Alaska. These rates are lower than those to Vancouver on the same commodities for domestic consumption referred to above as having been disproportionately depressed by the stress of competition. Comparatively, then, this export schedule cannot be criticised as being excessive. Counsel for the province attempted to show that unjust discrimination existed to the extent that the local rates exceeded the export. But this Board, as well as the Interstate Commerce Commission, has frequently ruled that a lower rate on export traffic is, in itself, no evidence of unjust discrimination, provided that the local rate is a reasonable one. It is quite conceivable that a carrier would prefer to withdraw from co-operation in seeking the foreign market rather than sacrifice its legitimate revenue on the local traffic to the port of exportation, and, perhaps, to its intermediate interior points also.

Counsel sought to show that the comparison of the export rates to Vancouver should be with the company's rates to the lake Superior ports; but, if any comparison be useful, it should be between the Pacific port on the one hand and the Atlantic ports on the other. Fort William is an intermediate transfer point on the way to the Eastern destination, and the rates to that port are, as described in the tariffs, proportionals of through rates from the grain fields to the eastern consumer. It is true that a negligible fraction of the entire cost may find its way into the local Fort William or Port Arthur market; but an exceptional tariff for this fraction is hardly possible, seeing that the railway company loses control once the grain is delivered to the terminal elevators."

The principle above laid down is based on the principle of competition of ports which have developed in the United States and which of necessity have been accepted in Canada.

In dealing with the competition of ports on export traffic, conditions arise which are entirely different from those affecting domestic traffic. It has been recognized both in Interstate Commerce Commission and by this Board that there is no necessary relation whatever between domestic rates and export rates.

In dealing with export rates on traffic moving through a number of competing ports, the factor of mileage has in many cases to be almost entirely disregarded. Given a certain movement through a port favourably situated in regard to mileage, another port with a longer mileage must meet that rate or go out of business.

It must be recognized that on export movements the rail rates to the point of export is only one factor in getting the product to its destination. The other factor, so far as transportation is concerned, is the cost of ocean carriage. Wherever a product, like grain, affected by world competition is concerned, it is impossible to take mileage as a final criterion of the rate adjustment.

Having this in mind, and having further, in mind the care which was taken in arriving at the decision in the Western Rates Case the opinion is justified that in arriving at a revised basis for grain for export by way of Vancouver, it is proper to take into consideration the export rate basis by way of Montreal.

Summarizing what has already been said:—

- (1) There is reflected in the rate basis by way of Montreal the effect of the larger rail tonnage;
- (2) The effect of the control, exercised by export rates through United States ports; and
- (3) The greater volume of ocean grain tonnage offering from Montreal.

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The basis of adjustment so recommended goes further than has been laid down in any specific case in which the Interstate Commerce Commission has been concerned. At the same time it is justifiable not only from the standpoint of principle but from the standpoint of the particular needs involved.

It was claimed before His Excellency the Governor General in Council by representatives of the two provinces hereinbefore mentioned that the Crowsnest rates, so-called, should be applied upon all grains for export, moving from prairie points westward, as well as eastward, and that brings the Board to a consideration of the Crowsnest rates, so-called, their origin, and to what extent they should be and are binding upon this Board in arriving at just and reasonable rates, as between the transportation companies and the public.

In the year 1897, by chapter 5 of the Statutes of Canada, an agreement made between the Canadian Pacific Railway Company and the Government was ratified, by which the Government agreed to grant to the company a subsidy of \$3,630,000, for the purpose of helping to build a railway through the Crowsnest pass, extending from Lethbridge, in the province of Alberta, to Nelson, in the province of British Columbia, and in consideration therefor the Canadian Pacific Railway Company agreed that there should be a general reduction of three cents per one hundred pounds in the then existing rates on grain and flour, eastward, from the most westerly point of the prairie production to Fort William; one-half of the reduction to take place immediately and the other half the next year. In addition thereto, there was a somewhat lengthy list of other commodities from Fort William and points east thereof, to Western Canada, to which fixed rates were applied, and the agreement provided that at no time in the future should these respective rates be increased.

These rates were not increased, but so far as grain was concerned, they were somewhat decreased a few years after, as a result of the Manitoba agreement, so-called, being an agreement entered into between the Government of the province of Manitoba and the Canadian Northern Railway Company; but, in 1918, by order of this Board, the rates were brought back to the Crowsnest Pass basis, and by Order in Council P.C. 1863, in the month of August, 1918, the restrictive provisions of the Crowsnest Agreement, so-called, were for the time suspended, and the Board was given full power to make whatever rates it considered just and reasonable under the then existing conditions, regardless of the said agreement. This continued during the continuance of the War Measures Act, and when the Railway Act was codified, effective July 6, 1919, an amendment was added to section 325 thereof, which provided in substance that, notwithstanding any previous legislation the Board of Railway Commissioners would have the power to regulate rates for three years from the date thereof. Just prior to the expiry of the three years, or on the 28th of June, 1922, Parliament passed an Act known as an Act to amend the Railway Act, being chapter 41 of the Acts of Parliament of that year, which reads as follows:—

“1. Subsection five of section three hundred and twenty-five of The Railway Act, 1919, shall, notwithstanding the proviso thereof, remain in effect until the sixth day of July, 1923, and may be continued in force for a further period of one year by Order of the Governor in Council published in the *Canada Gazette*; provided that notwithstanding anything herein or in said subsection five contained, rates on grain and flour shall, on and from the sixth day of July, 1922, be governed by the provisions of the agreement made pursuant to chapter five of the Statutes of Canada, 1897.”

the effect of which was, that the rates on grain and flour, after the 6th day of July, 1922, were governed by the provisions of the agreement made in 1897, hereinbefore referred to; and, therefore, so far as rates on grain and flour from

all Canadian Pacific Railway points in Western Canada to Fort William are concerned, there can be no question but that they are and must be governed by the provisions of the Crowsnest Agreement, so-called, and as a matter of railway policy, as the Canadian Pacific and Canadian National Railways are so intertwined in different parts of western Canada, the Canadian National is, as a matter of business, practically compelled to adopt whatever rates have been applied by Parliament to the Canadian Pacific Railway, and, therefore, Crowsnest rates become universal from Prairie points to the head of the lakes.

It is significant as showing the intention of Parliament, when passing the Crowsnest Pass Act of 1897, to limit its rate-fixing legislation to the exact terms of the contract between itself and the railway company, that by the same Act, section 1, subsection (c), it was stipulated that the agreement should provide that all other rates and tolls on the railway and its connections as therein mentioned, as well as on its line of steamers in British Columbia, should be first approved by the Governor in Council (this Board not being then in existence) "or by a Railway Commission if and when such commission is established by law." Apart from the very plain reading of the Act itself, and of the provisions of the Railway Act, the intention is clear that the rates by Parliament established for particular reasons, and under special conditions, were not to be taken as the basis or standard of other rates, especially so with regard to the west-bound Crowsnest Pass Railway to British Columbia, and also that the powers of the Governor in Council, or of this Commission (if and when established), should not in any way be affected or restricted by the special rate-fixing clauses of the Act, under the special circumstances named.

The effect, therefore, of the legislation was that solely in respect of the specific articles and products to be included in the agreement, and as to which, by the agreement and for the consideration of subsidy in the Act mentioned, the railway company reduced its rate, within the specified territory, but that as to other tolls and rates they were to be fixed by the rate-fixing Tribunal in the fullest and widest exercise of its jurisdiction to fix just and reasonable rates upon all other traffic upon all railways within its jurisdiction.

The Crowsnest Pass Agreement was not binding upon any other railway then or subsequently operating in that territory—although its provisions affected them—neither is there anything in the Act or agreement which defines those rates, within that territory as just and reasonable, having regard to general traffic conditions, or which could limit, or restrict this Board in the establishing of such rates on other railways within the same territory which to this Board might, from time to time, appear to be just and reasonable.

Then the legislation of 1922 simply provides after an interruption of the currency of the agreement by its suspension as hereinbefore mentioned, that the provision of the agreement governing such rates, as an incident of the transaction of 1897, should remain in force. That is, that the terms of the agreement of the railway company made in 1897 should continue to govern these rates.

If, therefore, the contention of the two western provinces were concurred in, rates on grain and flour made 26 years ago, as the result of a special agreement, for a valid consideration, in specific territory, and in a certain direction, should be the basis of all other rates from the same territory westward, as well as eastward and in territory not included in the agreement. It would hardly seem that such an argument would be tenable and, therefore, the Board should proceed by some other method to arrive at "just and reasonable rates" for the transportation of these particular commodities to the Pacific coast.

If we exclude the Crowsnest rates as the proper basis, we must then look for some other method of arriving at what would be considered a just and reasonable basis, and perhaps no better method could be adopted than to go to other parts of the continent where grain is moved in very large quantities under

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competitive conditions, both as to other railways, and as to water carriers. If we do, we find the following as being some of the outstanding rates answering to these conditions:—

From	To	Miles	Rate	Rate per ton per mile
				c.
Edmonton.....	Vancouver.....	771 (C.N.).....	25	.648
Buffalo.....	New York.....	396 (shortest)....	15.17	.766
Bay Ports.....	Montreal.....	410 (average)....	14.34	.699
Fort William.....	Montreal.....	997 (C.P.).....	34½	.692
Fort William..	Quebec.....	1,145 (C.P.)..	34½	.602
Minneapolis.....	New York.....	1,330 (shortest)....	35½	.533
Duluth.....	New York.....	1,378 (shortest)....	35½	.515
Morse, Sask..	Vancouver.....	994	29	.58
Windsor...	Montreal.....	568	23½	.83
Morley, Alta.....	Vancouver.....	600.....	24	.80

It should be mentioned in passing that no reference has been made to the rates on grain and grain products to St. John and Halifax which, if figured on the basis of the rate per ton per mile, would be very much lower than any rates mentioned above, but these rates are compelled by the fact that as all rates on grain from Lake ports to the Atlantic seaboard are governed by the rate from Buffalo to New York, it, therefore, follows that the rate from Canadian Bay ports to St. John and Halifax must be the same as the rate from Buffalo to New York, otherwise none of the commodities would move through these ports, and while the distance is much greater the rate is the same; and, therefore, is no criterion of what would be a just and reasonable rate in any portion of the country in which there are no such compelling factors to determine the rates.

An examination of the Crowsnest rates shows that they again are based upon no fixed principle in arriving at the rate per ton per mile; but, generally speaking, the rate is reasonable at Winnipeg, tapering to an extremely low rate from Moose Jaw west to Calgary, as compared with other rates hereinbefore quoted.

Following out the same method of rates per ton per mile, we find the same to be about as follows:—

To Fort William	Miles	Rate	Rate in cents per ton per mile
			c.
Winnipeg.....	419	14	.666
Brandon.....	552	16	.577
Broadview.....	684	18	.526
Regina.....	777	20	.514
Swift Current.....	929	22	.473
Medicine Hat.....	1,076	24	.446
Calgary.....	1,243	26	.418

Following up the principle hereinbefore quoted, as laid down in the Western Rates Case, we must consider the export point to be Montreal, or some other Atlantic Coast port, and as the Montreal rate is practically one cent lower than the rate to New York, Portland, St. John, Halifax, etc., therefore it would be the most favourable point upon which to make a comparison.

Taking the mileage from Port McNicoll to Montreal with its existing water and railway compelled rate of 14.34 cents, and add to that the mileage and rates from a number of points west of Fort William, we would have the actual rail rate from these specific points to Montreal, of course eliminating the lake movement. These would be as follows:—

Winnipeg to Fort William, 419 miles, rate 14 cents
Port McNicoll to Montreal, 371 miles, rate 14.34 cents
Total mileage, 790 miles, rate 28.34 cents

which figures out at a rate of .717 cents per ton per mile, and the mileage is not very different from that of Edmonton to Vancouver.

Take next—

Brandon to Fort William, 552 miles
Port McNicoll to Montreal, 371 miles
Total mileage, 923 miles

with a total rate of 30.34 cents, which figures out at a rate of .675 cents per ton per mile.

Thirdly—

Broadview to Fort William, 684 miles
Port McNicoll to Montreal, 371 miles
Total mileage, 1,055 miles

with a total rate of 32.34 cents, or a rate per ton per mile of .613 cents.

It will, therefore, be seen that the present rate from Edmonton to Vancouver, 771 miles, with a rate per ton per mile of .648 cents, is lower than both the rate from Brandon and Winnipeg computed upon this basis, and slightly higher than the rate from Broadview.

The Board would not obtain much information by making comparison with grain rates to the Pacific coast in the United States, because they are invariably higher than the present prairie point rates to Vancouver, and, of course, the same is true to a greater degree when we compare all Canadian prairie point rates to Fort William and Port Arthur with United States prairie point rates, to Duluth and Minneapolis.

Having thus given a large number of actual rates, both in Eastern and Western Canada, it will be seen that no absolute rate can be chosen as the measure of what would be a just and reasonable rate from prairie points to the Pacific coast; but, perhaps, the fairest method would be to take a point midway between Fort William and Vancouver and establish therefrom to Vancouver a rate based on the rail-haul eastbound to Montreal. Taking Cantuar, on the Canadian Pacific Railway, 942 miles from Fort William and 944 miles from Vancouver, the all-rail rate eastbound gives the following figures:—

942 miles to Fort William.. . . .	23c.
997 miles Fort William to Montreal	34.5c.
<hr/>	
1,939 miles.. . . .	57.5c.

equals rate per ton per mile of .593 cents. Applying this rate per ton per mile for the shorter distance Cantuar to Vancouver produces a rate of 27.98 cents. The present rate is 28 cents. A large percentage of the Canadian haulage of grain from the prairies is by rail to the head of the lakes, thence by water to the Bay ports, thence by rail to Montreal. Eliminating, therefore, the water-haul and taking the rail-haul eastbound from Cantuar, via the shortest route (the Canadian Pacific Railway), being that portion of the haul over which this Board has jurisdiction, the figures are:—

942 miles to Fort William.. . . .	23c.
371 miles Port McNicoll to Montreal.. . . .	14.34c.

equals rate per ton per mile .568 cents.

By applying this basis from Cantuar to Vancouver, Vancouver obtains all the advantages of the Crowsnest basis to Fort William plus the advantage of a water and Buffalo-New York compelled rate from Eastern Canadian Bay ports

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to Montreal. This basis would make the rate, Cantuar to Vancouver, with the shorter haul, of 27 cents per 100 pounds.

By adopting this 27 cent rate as a basis, Cantuar to Vancouver, 942 miles, and then computing rates from other points of less or greater distance from Vancouver by applying the same rate difference as now exists in the rates to Fort William for equivalent mileages from points on the main line of the Canadian Pacific Railway, rates would be produced to Vancouver as per the following examples:—

From	Miles	Present rate	Proposed rate
		c.	c.
Calgary.....	642	25	22
Bassano.....	721	26	23
Edmonton.....	771	25	24
Medicine Hat.....	818	27	24
Vegreville.....	844	27	25
Cantuar.....	944	28	27
Swift Current.....	957	29	27
Moose Jaw.....	1,067	31	28

By the above method the Edmonton to Vancouver rate shall be 24 cents as compared with 22 cents from Calgary, and on a strictly mileage basis the Edmonton rate would be about twenty per cent higher than the Calgary rate; yet in practice both rates have been built on the basis of the shorter mileage.

If the above described method were pursued, it will, therefore, be seen that it will amount to a reduction in some cases of slightly over, and in other cases slightly under ten per cent of the existing rates, and in order to preserve the present rate structure, probably the fairest rates could be obtained by making a general reduction of ten per cent in those existing at the present time.

While the Order in Council made no reference to grain products, yet, as they have always been connected together, it is the opinion of the Board that grain products should be treated the same as grain, including milling-in-transit privileges at 1 cent per 100 pounds, and all railways subject to the jurisdiction of the Board engaged in this traffic should file rates, effective not later than the 22nd day of October, instant, making a general reduction of ten per cent in the existing rates on grain and grain products, to Pacific coast ports for export: also grant the milling-in-transit privilege of 1 cent per 100 pounds, as at present contained in the tariffs. In applying these rates fractions shall be disposed of as provided for in P.C. Order 1863.

An order should be issued accordingly.

COMMISSIONER OLIVER:

The Commission is sitting to consider a reference by the Railway Committee of the Privy Council of an appeal made by the provinces of British Columbia and Alberta for an equalization of rates on grain from prairie points to Vancouver with those on grain from prairie points to Fort William, over the same mileage.

The rates on grain as they stand from prairie points to Vancouver, are the result of a general decision of this Board dated June 30, 1922. From the rates so fixed, the Government of the Province of British Columbia (and jointly that of Alberta), appealed to the Privy Council.

The Privy Council has taken no action on the appeal as to rates on other commodities, but has referred the subject of export grain rates to British Columbia coast ports to the Board "for immediate determination and such effective action as may be necessary."

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I am compelled to assume that the Privy Council saw special merit in the appeal for equalization of export grain rates, or it would have either disallowed the appeal, as a whole, or deferred further consideration of grain rates, as it did of the other rates in regard to which equalization was applied for.

The present east bound grain rates from prairie points to Fort William were made effective by a statute passed in the session of 1922. As the present rates are substantially lower than those formerly prevailing, it must be assumed that in the judgment of Parliament, they were suitable to the conditions then and still existing, having due regard both to the cost of the service and the requirements of the trade in transporting prairie grain to its nearest point of export.

The present grain rates eastbound to Fort William are the same as were established by the Crowsnest Pass Agreement but the agreement is not now in effect, and its enforcement has not been insisted on by either of the parties to it. The Crowsnest Pass Agreement fixed rates on many commodities other than grain. The Statute of 1922 gives force and effect to rates on articles other than grain, which rates differ from and are greater than those provided in the Crowsnest Pass Agreement. Parliament having exercised its right to vary the rates of the agreement in one set of particulars, must accept equal responsibility for the single provision which continues the rates of the original agreement.

Therefore, I respectfully contend that the rates on eastbound grain now in force on the prairies, as long as they continue, are entitled to be considered without regard to the agreement by which they were first brought into force, and as having been fixed by the Parliament which sat in 1922, on its sole responsibility.

The British Columbia Government argues that the proper standard of comparison for westbound rates on the transcontinental railways, is the eastbound rates, as established by Parliament from common points for like distances over the same railways.

I would dissent from this to the extent of suggesting that only where the operating conditions are on an approximately equal basis, should this comparison hold. As I understand the duty of the Board, it is to prevent discrimination, and I recognize that cost of railway service depends upon other factors, as well as mileage.

The operating conditions on the Canadian National Railways between the prairies and the Pacific ports of Vancouver and Prince Rupert are not more costly or difficult than those existing on the same system or on the Canadian Pacific railway between the mountains and the lake ports of Fort William and Port Arthur.

I am entirely in agreement with the contention of the provinces of British Columbia and Alberta that the grain producer of the prairies, the bulk of whose product must find an export market, has the right to an equal per mile rate over the National Railways westward to the ocean ports of Vancouver and Prince Rupert, as has been given him by Parliament over the same system to the lake ports of Fort William and Port Arthur.

At one time Fort William and Port Arthur were merely points on the Canadian line of transportation extending to Montreal. That condition no longer exists. Practically two-thirds of the western grain crop, exported by the eastern route, is transferred to boats at these lake ports, and passes absolutely and finally out of Canadian hands and out of rate control by this Board. Of the part that follows the all-Canadian line of transportation to Montreal, the conditions of lake shipping, as to service and rates, are such as to preclude effective control of the through rate to Montreal by this Board. For all practical pur-

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poses, and particularly as to control of rates of transportation by this Board. Fort William and Port Arthur are export ports, as well as Vancouver and Prince Rupert, and therefore there is no justification for instituting a comparison between export grain rates east of the lakes and those west of the lakes.

The operating conditions on the Canadian Pacific Railway, between the prairies and the Pacific, are more difficult than those which exist on that railway between the mountains and Fort William. Therefore, the comparison made in regard to the Canadian National Railways does not hold in regard to the Canadian Pacific Railway. Because of this condition, it has been the practice, in making rates in the past, to concede a higher rate in the mountains than on the prairies. So long as the Canadian Pacific was the only railway through the mountains, that was, in my opinion, a perfectly sound principle, and should be continued, with such adjustments as may be proper from time to time, as far as that railway is concerned. But I cannot admit, that because "mountain rates" are proper on the Canadian Pacific Railway, which has to surmount high altitudes by means of difficult grades, that, therefore, they are warranted on the Canadian National lines, which were conceived and built for the express purpose of avoiding these conditions, as they in fact do avoid them.

Under the statute of 1922, the railways are compelled to convey the total grain crop of the prairies to Fort William as required. The rate for that service has been fixed by the highest authority. If we order the railways to render the same service at the same rate per bushel, and per mile (making due allowance for a mountain rate on the Canadian Pacific Railway), when called upon to transport a part of that grain to the Pacific coast, we are not putting a cent of extra burden on the railways, and we are adjusting a discrimination against the prairie producer that is a serious bar to the further development of the more westerly portion of the prairie area, which is approximately two-thirds of the whole.

The haul, from the railroad centres of Edmonton and Calgary, the first important points east of the mountains, to the head of the lakes, is approximately 1,250 miles. The Eastbound rates at present in force diminishes the charge per mile of haul with increase of distance from the lake ports. From Fort William to Vancouver, by the National line, is approximately 2,000 miles. The point of middle distance on the Canadian National main line, is about Scott, Sask. Grain hauled eastward from points west of Scott—that is to say, from the western part of Saskatchewan and the whole of Alberta—to Fort William, pays a lower per mile rate to the railway, under present conditions, than it would if it were hauled westward at the rates which now apply for the like distances on the eastbound haul. In other words, if the eastbound rates from Scott easterly to Fort William were applied to westbound traffic from Scott westerly to Vancouver, the railways would earn an increased rate per mile on every car of grain produced in Alberta and Western Saskatchewan, over the rate they now receive on the haul of that grain to Fort William.

The maintenance of a higher rate westward than eastward, with the diminishing scale of rates on the longer haul, has the effect of placing a higher gross charge against the grain of Alberta and western Saskatchewan, and requiring the railways to haul it eastward at a less remunerative rate.

In regard to westbound rates over the Canadian Pacific Railway from prairie points to Vancouver, it is not necessary, in discussing this reference, to exactly define what these should be. Such definitions should follow an expert enquiry as to what would be a fair mileage or percentage allowance in computing a mountain rate, according to the conditions that are entitled to be considered.

The wording of that portion of the British Columbia Appeal, which has been referred to this Board, is as follows:—

“To cease from making and charging higher tolls, for the transportation of wheat, corn, oats and other grains, flour and other mill products, hay, straw, flax, and other agricultural products from points in the provinces of Alberta, Saskatchewan and Manitoba, to points in the province of British Columbia, than are charged for the transportation of such wheat, corn, oats and other grains, flour and other mill products, hay, straw, flax and other agricultural products from points in the said provinces of Alberta, Saskatchewan and Manitoba and Ontario, and as far east as and including Fort William and Port Arthur, over the same or similar distances;”

The importance of the application, to the producers of Alberta and Western Saskatchewan can only be clearly understood by a comparison of the westbound with the eastbound rates now prevailing.

	Freight rate per cwt.	Distance
	c.	miles
Edmonton to Vancouver.....	25	771
Regina to Fort William.....	20	777
Tofield to Vancouver.....	27	811
Moose Jaw to Fort William.....	20	818
Chauvin to Vancouver.....	28	931
Swift Current to Fort William.....	22	929
Landis to Vancouver.....	29½	1,016
Maple Creek to Fort William.....	23	1,013
Saskatoon to Vancouver.....	31½	1,098
Asquith to Vancouver.....	31	1,073
Medicine Hat to Fort William.....	24	1,076
Watrous to Vancouver.....	33	1,187
Bassano to Fort William.....	25	1,165
Jasmine to Vancouver.....	33½	1,244
Calgary to Fort William.....	26	1,243
Edmonton to Fort William (distance approximately same as Calgary to Fort William).....	26	.....

For the reasons above given, I feel compelled to support the application of the Provincial Governments regarding export grain rates, and therefore dissent from the majority Judgment of the Board.

COMPLAINT OF UNION BAG AND PAPER CORPORATION *re* FREIGHT RATES ON PULPWOOD
Judgment, Assistant Chief Commissioner, November 14, 1923, concurred in by Chief Commissioner and Commissioner Boyce.

An interim judgment in this matter has issued in which, after reviewing what was involved, it was stated that for the reasons set out therein “the interpretation of the American tariffs should rest with the Interstate Commerce Commission, and that the applicant should be referred (as in the Bog Iron Ore case) to the jurisdiction of the Interstate Commission for the remedy within that jurisdiction,” and it was stated that if after invoking and exhausting that jurisdiction as regards the matters referred to it for its decision, any other action or remedy within the Board’s jurisdiction is necessary, written submissions might be made.

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The movements concerned are international in their nature. The scope of each regulative tribunal in its activity does not, as a matter of law, extend beyond the international boundary. The interim judgment referred to sets out the specific detail in connection with the tariffs. In an endeavour to ascertain what principle and practice were involved, both as to the Interstate Commerce Commission and as to individual United States railways, much time has of necessity been taken up in correspondence.

In a condensed way, the position of the applicant is that under the 15 per cent increase in the United States, which applied internationally, there was a specific limitation to a 1 cent increase in the case of lumber and forest products. It is contended that under the principles and practice prevailing in the United States tariffs covering lumber and forest products also covered pulpwood; and it is further contended that the increase under the McAdoo Order, permitted to be applicable by Permission No. 76, applies to the increase of 1 cent. On the other hand, it is contended by the Canadian railways that under the principles and practice, the 15 per cent increase on pulpwood was permitted.

The Interstate Commerce Commission, as I understand its ruling, has held informally that pulpwood is included within the category of lumber and forest products, and, therefore, between points in the United States the 1 cent increase would be applicable. The Board is very much indebted to the Interstate Commerce Commission for the trouble it has taken in connection with the queries addressed to it by this Board.

In an endeavour to ascertain what the practice was, details have been obtained from various parties as to the tariff provisions of various American railways at the time in question. In the interim judgment above referred to, it is shown that in the case of some railways rates on pulpwood have increased 1 cent; on other railways they have increased 15 per cent. The tariffs of the Maine Central, Boston and Maine, and the New York Central Railroads which are referred to, apparently make this differentiation, namely, that where there are specific commodity rates on pulpwood the 15 per cent increase applies; but that where pulpwood was carried in the lumber tariffs the rates were increased 1 cent per 100 pounds.

While the Board sought to obtain information not only as to what was intended in the United States but also as to what was done, it is contended by the applicant that this line of procedure is not necessary. In a written communication on file, it is stated by him: —

“As a matter of fact, we see no reason why the decision of the Interstate Commerce Commission or the interpretation of any one or group of roads in the United States should be used as a precedent by the Board in deciding the question at issue. It seems to us that it is solely for them to decide how the advance on pulpwood should have been made, particularly because pulpwood is fundamentally a Canadian product.”

If I correctly understand the correspondence of the Interstate Commerce Commission insofar as it bears upon this point, its view, having in mind the limitations of its jurisdiction in regard to international rates, which it frankly recognizes, is similar.

But while the applicant minimizes the importance of United States railway principles and practice in regard to the matter in dispute, he in another connection in stating that the United States' rates were not advanced by the same measure as international rates sets out “it is to that impropriety which we object.”

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In another letter on file, it is stated:—

“It seems to be a well-known fact that some of the American roads did not properly interpret the Commission’s decision, but have since amended their tariffs so as to correct the misinterpretation.”

Whether this is so or not is not developed in the record. What is before us as to the rates generally applicable in the United States at the time the increase was made leaves the matter in an uncertain condition.

As I read the written record, I take the impression that the applicant himself has some uncertainty as to what the principles and practice show as to the intention and action in the United States. In a written communication on file from the applicant, the following language occurs:—

“Without attempting to dictate the course which the Board of Railway Commissioners should follow, we most respectfully suggest that an order, in substance, as follows be entered:—

“First: That pulpwood be definitely classified as a forest product;

“Second: That no rates on pulpwood shall exceed the rates on other forest products contemporaneously in effect between any two given points;

“Third: That the Canadian carriers be obliged to revise their tariffs so that a 15 per cent advance, not to exceed 1c per 100 pounds be applied instead of a straight 15 per cent, in accordance with your Order entered early in the year 1918, and that all advances and reductions occurring subsequently shall be applied to the rates resulting therefrom.”

In the reply of the Canadian Freight Association on file, there is a statement reading as follows:—

“(1) Canadian lines have no objection to including pulpwood in the list of so-called ‘Forest products,’ shown in current tariffs.

“(2) Inasmuch as rates vary on different classes of so-called ‘Forest products,’ Canadian lines are not prepared to concur in the Union Bag and Paper Corporation’s request that no rates on Pulpwood shall exceed the rates on other forest products contemporaneously in effect between any two given points.

“(3) That rates on pulpwood between points in Canada were advanced to the same extent as rates on international traffic; that they are not unreasonable and in no case exceed the rates on lumber, and that Canadian lines are opposed to any order being issued in connection with international rates on pulpwood.”

In asking that pulpwood be definitely classed as a forest product, this implies a doubt as to whether it was in the past, under the tariffs concerned, to be covered by the term lumber and forest products. What is being asked for is a present ruling to have retroactive effect.

It is contended by some United States railways that there was a right to differentiate between pulpwood carried in separate tariffs distinct from lumber and forest products and that they did so carry and charge. Other railways stated, they carried pulpwood in the lumber and forest products tariff and subject to the same rate.

On the American record, I am inclined to agree with the contention of the applicant that the Canadian portion of the record must be looked to.

Following the record of correspondence, the railways were written to asking them to show cause why a declaratory order of this board should not issue declaring that under this Board’s Special Permit No. 76 in connection with

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Order 57 (Ex parte) of the Interstate Commerce Commission Lumber and Forest Products include pulpwood.

The application involves two matters:—

(1) The definition of the legal rate, with a view to obtaining refunds to the extent to which this rate is exceeded;

(2) By obtaining a definition of the legal rate, which it is contended should be a reduced rate, to reduce the existing rate into which the rate in question enters as a factor.

The jurisdiction of the Board is different from that of the Interstate Commerce Commission. The Board has no power to direct refunds. The Board has power to declare what is a legal rate.

G.T. & C.P.R. Cos. vs. Canadian and British American Oil Cos., 14 Can. Ry. Cas., 201.

See also *A.C. (1914) 1022*.

This is the leading case; other authorities might be referred to.

But while the Board may make a declaratory Order as to what is the legal rate, it has no power to direct a refund, and the parties thereafter are left to such remedy as they may have in the courts.

The existing rate is not attacked as unreasonable. If it were so attacked, the Board's power would be limited to dealing with the determination of a reasonable rate for the future. The Board has no power to make a retroactive rate in regard to reasonableness. By way of comment, it may be noted that the rate involved being international is subject to the similar limitations of power in regard to control so far as this Board is concerned as were pointed out in the correspondence of the Interstate Commerce Commission regarding the limitation of its powers under its enabling legislation. The Board has refused to give a ruling that a special toll which had already expired was unreasonable where, in future, no shipments would be made; and where a ruling was desired solely for the purpose of claiming a refund from a higher toll charged on the shipment in question.

St. Lawrence Pulp and Lumber Corporation vs. C.P.R. Co., 24 Can. Ry. Cas., 107.

The Board has before it a communication from the Canadian Freight Association saying that since the complaint was made carriers have amended their pulpwood tariffs so that at the present time there are no rates on pulpwood from Canada to United States points that are higher than the rates applicable on lumber and forest products. The Board having no jurisdiction in regard to refunds, this action subsequent to the complaint and hearing gives no retroactive powers; nor does the subsequent decrease or revision of a rate create any presumption in regard to the reasonableness of the rates antecedently existing.

There being no attack upon the reasonableness of the rate, the only other method of approach is from the standpoint of the legality of the rate.

By implication, if not by explicit statement, it apparently has been assumed that the 15 per cent increase, the applicability of which was fundamental, arose from some special permit allowing to apply southbound the same rate increase as was permitted to apply northbound on international traffic.

The Board's General Order No. 212, dated January 15, 1918, authorized an increase of 15 per cent on pulpwood rates in Canada. No special permission issued authorizing this increase southbound. The Grand Trunk and the Canadian Pacific Railway Companies filed tariffs on March 2 and March 1, 1918, respectively, advancing rates on pulpwood to United States points. The effective date in each case was April 1, 1918, this giving the full statutory period of notice.

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The increase in rate was an outcome of the Board's General Order No. 212. As is set out in the report of the late Mr. Hardwell dated September 24, 1919:—

“ . . . the Board's fifteen per cent order was necessarily applied to the through rates from Canada to the States, as well as to rates within Canada.”

Ex parte 57, to which constant reference has been made, contained the words “Commodity rates on lumber and forest products may be increased by one cent per 100 pounds.” This was made effective by order of the Interstate Commerce Commission dated March 12, 1918; that is to say, ten days after the tariffs of the Canadian Pacific and Grand Trunk southbound had been issued.

While the increased pulpwood rates from Canada southbound went into force on compliance with the statutory provisions as to filing, special treatment was given in the case of the application of Ex parte 57 northbound. Under Special Permission 68 of March 22, 1918, these rates were allowed to be made applicable into Canada from Trunk Line and New England territory on the same short notice as allowed by the Interstate Commerce Commission, viz., five days; and on March 23, Special Permission 69 was issued allowing the same short notice in respect of movements from Central Freight Association territory into Canada.

Special Permission 76, of June 5, 1918, authorized an increase in the existing freight tariffs from Canada to the United States, effective June 20, 1918. It should be borne in mind that the Board's report of July 25, 1918, referred to the status of rates on pulpwood in the United States, setting out its understanding as to the rate increase applying.

The Board, in section 11 of this Report to the Governor in Council in connection with P.C. Order 1863 used the following language:—

“In the Maine and New Hampshire districts, where pulpwood is produced and comes directly into competition with Canadian pulpwood, the American railways put into force an advance of 15 per cent before the McAdoo Order was made.”

This refers to the 15 per cent increase. This is to be taken as the Board's understanding on the records available to it, of the general nature of the increase on pulpwood. Possibly in the light of information which has been set out in the present record differentiation should be made as between a situation where pulpwood is carried in the lumber and forest products tariffs and the situation where pulpwood is carried in a separate and distinct tariff.

In the tariffs applying on international movements from Canada to the United States, the practice at the time the shipments in question took place was that pulpwood moved on tariffs separate and distinct from lumber and forest products, this creating a situation comparable with that existing in regard to the tariffs of the Maine Central, the Boston and Maine and the New York Central already referred to.

Summing up the matter:—

(1) The fifteen per cent increase on pulpwood rates from Canada to the United States was not dependent upon any Special Permission or reference to any United States rate increase; that is to say more specifically, it was not increased under Order 57 (Ex parte) of the Interstate Commerce Commission.

(2) The tariffs making this increase effective complied with the filing requirements of the Canadian law.

(3) At the time the shipment moved, it was the practice to have pulpwood from Canada to the United States move under tariffs separate and distinct from those covering lumber and forest products.

(4) Under these circumstances, I am unable to hold on the record that the 15 per cent increase on pulpwood was illegal.

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APPLICATION OF CALGARY LIVESTOCK EXCHANGE *et al*, *re* REDUCED MINIMUM CAR-LOAD WEIGHTS ON SHEEP

Judgment of Assistant Chief Commissioner, November 30, 1923, concurred in by Commissioner Boyce

I

The application and the grounds on which it is based may be summed up by the following resolutions passed at the last meeting of the Western Canada Livestock Union and read into the record of the hearing at Calgary by its representative, Mr. Herbert:—

“Whereas the minimum weights for carloads of sheep on western lines is 16,000 pounds for single deck cars, and 24,000 pounds for double deck cars, and

“Whereas the weights under similar conditions on the American lines in the States immediately to the south, are 12,000 pounds, and 22,000 pounds respectively, and in Eastern Canada 14,000 pounds and 22,000 pounds respectively;

“Whereas it is seldom possible to load to the minimum weight now charged for; therefore

“Be it resolved that the Western Canada Livestock Union in convention assembled request its Executive to urge upon the Canadian Freight Association the removal of the discrimination now existing.”

Similar resolutions passed by various other interested organizations were transmitted to the Board previous to the hearing. Supplementing the resolution, it was stated on behalf of the applicants that the question involved was one of minimum weights, rather than rates, as, taking characteristic movements into Calgary, the rates were practically the same as for similar mileages in Ontario (pp. 2422 and 2432). Mr. Herbert stated (p. 2423) the average shipment in the province of Alberta would be about 150 miles.

In the resolution as above set out, three points are advanced:—

- (1) Comparison with the minimum weights on American lines in adjacent United States territory;
- (2) Comparison with minimum weights in Eastern Canada; and
- (3) The allegation that it is seldom possible to load to the minimum weight now charged for.

II

In some of the earlier resolutions prior to the date of hearing, there are variations from what is set out above. The Edmonton Livestock Exchange refers to the minimum applicable in the western territory of the United States, but makes no reference to the minimum in Eastern Canada. The Western Canada Livestock Union, on the same date, viz., February 19, 1923, refers both to the United States and to the Eastern Canada minimum. The Southern Alberta Wool Growers' Association while referring to the minimum in the western territory of the United States makes no reference to the minima in Eastern Canada. A communication from the United Farmers of Alberta covering a resolution passed at their annual convention also makes reference to the minimum in the western territory of the United States, but does not make any reference to Eastern Canada. The application of the Calgary Livestock Exchange of December 14, 1922, refers to a recent ruling of the Interstate Commerce Commission and to the minimum weights in western territory of the United States, but makes no reference to conditions in Eastern Canada.

III

Taking first, the matter of the weights concerned, it was stated in evidence on behalf of the applicants that a reasonable load for a single deck car of sheep was between 8,000 and 9,000 pounds, and for a double deck twice that.

The various resolutions to which reference has already been made out, in general, that the average carload of sheep arriving at Calgary only contains 8,000 pounds, and that 16,000 pounds have to be paid for.

In 1918, there was before the Board an application launched by the Southern Alberta Wool Growers' Association asking that the minimum weight on sheep be reduced to 12,000 pounds in lieu of 16,000 pounds. The resolution of that body stated, *inter alia*, that it was impossible to load more than 12,000 pounds in a single deck car; and it was asked that the minimum should be reduced to 12,000 pounds in lieu of 16,000 pounds. It would appear from this that actual loading was then put forward as a measure of minimum weight.

In the present application, Mr. Reardon, representing the Southern Alberta Wool Growers' Association and the Calgary Livestock Exchange, filed a statement covering since October, 1921, which was concerned with shipments into Calgary, and which it was stated showed something like an average weight of 8,000 pounds per single deck car.

It is understood that practically all of this movement was in single decks. It was testified by Mr. Mayland, at p. 2430, that the bulk of the double-decking was from Calgary out.

While the arithmetical average of the cars involved in the exhibit filed by Mr. Reardon may, subject to analysis, be taken as giving an average approximating 8,000 pounds per single deck car, it is necessary, because of the varying loadings concerned, to make some further analysis.

The statement as filed is imperfect in that it does not give, in a large number of cases, the weight in pounds to check against the number of sheep. The return for 1922, as filed, shows out of a total of 211, 153 cars carrying 19,229 head of sheep, or an average per car of 125, but does not give the weights. If the average weight per head as given in the case of the car weights which can be checked were applied, this would give a weight per car of 11,062 pounds. Owing to the imperfect information given, I do not consider anything can be built on this.

In any analysis that is made, only the cases where the loading per head and corresponding loading in pounds is given can be used for purposes of analysis. It may also be pointed out that in a considerable number of cases, on the figures given, the average loading per car is manifestly held down by the relatively small number of sheep placed in the car. The following detail regarding light loading is excerpted from the material contained in the exhibit:—

Head per car—	Cars	
	1922	1921
50-40.	4	5
39-30.....	3	4
29-20.....	4	3
19-10.	1	3
9 and under....	3	2
Total.....	15	17

While the preponderating number of cars does not have such a limited loading, it is apparent, of course, that this limited loading will be a factor affecting the average load; and the applicants would be the first to state that such light loading as is concerned in the figures given above could not be properly taken as a measure of what the minimum weight should be.

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Subject to what has already been said about there being cases where the weights are not available to check against the cars shipped, owing to these being omitted, the figures available for 1922 and 1921 give the following analysis:—

<i>Year 1922</i>		<i>Year 1921</i>
58	Number of cars showing number of head and weight.....	233
4,666	Number of head.....	25,659
412,990	Total weight.....	2,185,910 lbs.
80	Average number of head par car.....	110
7,120 lbs.	Average weight per car.....	9,381 lbs.
88½ "	Average weight per head.....	85.1 "

For the reason already pointed out, namely, that there are differences in loading, it is necessary to make a further analysis of these figures to arrive at a characteristic result. For 1922, the figures as furnished are relatively small in amount. Out of the 58 cars shown, cars loading 10,000 pounds and over number 17, carrying 2,065 head and weighing 190,070 pounds; that is to say, an average of 11,180 pounds per car. Taking the case of cars with 60 head and under, 20 cars, with 606 head, had a weight of 54,620 pounds, or an average of 2,731 pounds per car. The remaining 21 cars carried 1,995 head weighing 168,300 pounds, or an average of 8,014 pounds per car.

In the 1921 figures as filed, there are only a few cases in which the weights in pounds, as well as the number of head, are not given. Consequently, the fuller data of 1921 should be more characteristic for the purpose of analysis.

For the 233 cars for which full details are given for 1921, the following analysis may be made:

In shipments of 10,000 pounds and over, there were 107 cars carrying 12,472 head, weighing 1,211,255 lbs, or an average per car of 11,320 lbs. Of the cars of 60 and under, there were 18 cars with 554 head, weighing 55,700 pounds, or an average of 3,094 pounds per car. The remaining cars, 108 in number, loaded 12,663 head, weighing 918,955 pounds, or an average loading per car of 8,505 pounds.

The cars carrying 10,000 pounds or over amounted to 41.6 per cent of the cars handled, while at the same time they loaded 48.6 per cent of the sheep handled, and 55.4 per cent of the pounds carried.

An Exhibit was filed by Mr. Hately, Assistant General Freight Agent of the Canadian National Railways, covering a comparison of rates and minimum weights on sheep in carloads (actual shipments received during November, 1922.) At Winnipeg, Calgary and Edmonton, as against rates and minimum weights for corresponding hauls in Minnesota, North Dakota and Montana. The question of minimum weights in adjacent territory will be referred to later.

In the case of shipments to Winnipeg involving 14 shipments, with an average journey of 311 miles and a total actual weight of 155,760 pounds, the average weight per car was 11,129. The average charges per car to Winnipeg amounted to \$54.38. Similar shipments for a similar average distance from originating points in North Dakota and Minnesota into St. Paul on the minimum weights applicable would give a figure of \$56.64 per car.

While the statement covers shipments into Calgary, there were only three cars moved in the period in question, and it would not seem that anything characteristic would be obtained from comparisons here.

In the case of shipments into Edmonton, sixteen shipments from points in Alberta averaging 121 miles are given. Comparison is made in the Exhibit in question with movements into Haggart, North Dakota. It was contended at the hearing that Haggart was not a characteristic point in respect of movements. Comparisons are also made with Billings, Montana, which was admitted

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to be a characteristic point. The result is that taking the average distance into Edmonton, the average charge per car on the Edmonton movement would be \$30.73 against \$56.98 on the Haggart movement.

IV

The existing rate adjustments may be summarized. Prior to July 1, 1914, the tariffs of carriers in Western Canada provided carload minimum on cattle, hogs and sheep of 20,000 pounds for single deck cars. The double-decking of the cars was at the expense of the shipper. The freight rate was the same on each kind of animal.

Effective July 1, 1914, the Western Canada carriers established a carload minimum weight of 16,000 pounds, per car of 36 feet 6 inches or under for hogs and sheep.

The matter of the then existing minimum weights came before the Board in connection with the resolution of the Southern Alberta Wool Growers' Association already referred to, which stated it was impossible to load more than 12,000 pounds in a single deck car; and it was further recited that double-deck cars were seldom available.

In the hearing at Calgary on June 10, 1918, the matter being dealt with so far as the applicants were concerned on the written submissions made, owing to the fact that there were no appearances on behalf of the applicants, the decision was given setting out that a case for change in the minimum had not been established. It is proper to point out that the judgment said:—

“At the present time, owing to the great demands upon the railway companies for cars to move supplies for the overseas forces it would not be wise for this Board to encourage the loading of cars so much below their carrying capacity as the minimum of 12,000 pounds would be if it were established. The efforts of the railway companies, encouraged by this Board, are directed at the present time towards securing as near to capacity load for each car as is possible.”

The judgment further pointed out that the price of mutton and wool had materially increased since the beginning of the war, and reference was made to the increased costs of railway operation; and it was stated that justification was not apparent for a reduction in the minimum as asked for, which amounted to a reduction in rates.

While there was thus reference to war conditions, it was at the same time set out in the quotation already given that the loading asked for was below the carrying capacity of the car.

The present application raises both the question of unjust discrimination and the question of loading and average weights. In the case as it was developed, the matter of unjust discrimination was given the preponderating effect.

Analysis of the detail filed by the applicant shows varying weight averages; it also shows that over 50 per cent of the sheep, on the records filed for 1921, move in cars carrying in excess of 11,000 pounds, or 22 per cent in excess of the actual maximum average of 9,000 pounds loading alleged by the applicants.

Pamphlet No. 38, New Series, issued by the Live Stock Branch of the Department of Agriculture, entitled “Live Stock Shippers' Guide,” contains recommendations for the safe loading of live stock, which it is stated have been carefully worked out and represent the conclusions arrived at after a study of a large number of shipments. The recommendations for safe load in the case of sheep, based on the loading of a standard 36-foot stock car, are:—

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Number of sheep (per car).....	75	85	95	105
Weight of sheep (lbs.).....	150	125	100	75

This shows a variation from 7,875 to 11,250 pounds per car.

V

One thing is patent and that is that while reference is made to it being seldom possible to load to the minimum weight, what is being asked for in the present case is not that the actual loading should be taken as the minimum. If this were being asked for, then on an alleged actual loading of 8,000 pounds, the justification of conceding that minimum loadings in the United States in excess of this should be taken is not apparent. For example, subject to further discussion, the minimum weight on American lines of 12,000 pounds is referred to; that is to say 4,000 pounds in excess of what is claimed to be the average loading in the movement into Calgary; and reference is also made to the minimum of 14,000 pounds in Eastern Canada, that is to say, 6,000 pounds in excess of the average loading stated to be applying into Calgary. This is to be taken, it would appear, as an inferential recognition of the fact that a commodity taking up a relatively small part of the space in a car does not of necessity have its rate basis upon the actual weight loaded; but that some additional weight by way of minimum is necessary to give a reasonable earning.

The application is really based on the alleged existence of discrimination, the measure of discrimination being lower minimum weights in effect in the States immediately to the south and in Eastern Canada.

VI

The comparisons with American practice and the consideration of the findings of American regulative tribunals, no matter how distinguished these tribunals may be, are not necessarily conclusive of what is the proper rate practice in Canada; and are not necessarily conclusive of the line properly to be followed by regulative tribunals here. Unless it is apparent that conditions are to such an extent on all fours as to establish identity of circumstances, rates and minima, existing under another jurisdiction, are not necessarily conclusive as to what is reasonable.

Canadian Dairymen's Assn., vs. Dominion and Canadian National Express Cos., 14 Can. Ry. Cas., 142, at p. 148.

Riley vs. Dominion Express Co. 17 Can. Ry. Cas., 112, at p. 115.

Complaint of Hay & Co., Ltd., and J. H. Steel Mfg. Co., Ltd., Board's Orders and Judgments, Vol. VI, 474, at p. 477.

Further, it should be noted that there was no attempt made to submit evidence bearing on any assumed identity of transportation conditions as between Western Canada and the portions of the United States territory adjacent thereto. No comparative detail as to volume of traffic, operating conditions, etc., was presented. The adducing of the minimum weight in another jurisdiction without consideration of the relevant factors bearing upon such a minimum weight, while it may be informative is not judicially conclusive. But since the matter has been referred to, some analysis of the practice, which is not uniform, may be given.

VII

Dealing, first, with the comparison made with American territory, applicants referred to a decision of the Interstate Commerce Commission (69 I.C.C., 125), but reference thereto shows that it covered only shipments in double deck

cars, and, further, embraced only Official and Southern Classification territories. These territories are east of Chicago and south thereof to the Ohio river, thence east of the Mississippi river—territory quite far removed from that “immediately to the south” of Alberta, as set out in the resolution. No evidence was submitted comparing the rates or other conditions surrounding the movements as between Alberta and these territories. Reference was also made (p. 2423) to a tariff applying in Western Trunk Line territory but without any details being furnished as to its terms or a description of the territory in which it is applicable.

At p. 2438, Mr. Jefferson, representing the Canadian Pacific Railway Company, stated:—

“I would like to point out that in the States of Minnesota, North Dakota and Montana, where the conditions surrounding railway operation are more similar to those existing in Western Canada, the minimum of 12,000 pounds single deck cars is only applicable within the State of Minnesota. The minimum weights on sheep on interstate shipments or locally in North Dakota or Montana on 36-foot cars are, for single deck cars 17,000 pounds, and for double deck cars 22,000 pounds.”

Dealing, therefore, with Western Canada and the States immediately to the south, the situation, so far as relates to carload minimum weights on sheep, may be set out in tabular form as follows:—

Territory applicable	Minimum carload weights (For cars 36' 6" or under in length)			
	Single deck		Double deck	
	cars		cars	
Between points in Western Canada.....	16,000	lbs.	24,000	lbs.
Minnesota Intra-State.....	12,000	"	22,000	"
North Dakota Intra-State.....	17,000	"	22,000	"
Montana Intra-State.....	17,000	"	22,000	"
Minnesota, North Dakota and Montana Inter-State.....	17,000	"	22,000	"

Mr. Hately, representing the Canadian National Railways, filed a statement which has already been subjected to analysis. This statement covers the actual carload shipments of sheep received during the month of November, 1922, at Winnipeg, Calgary and Edmonton, showing the rates, weights and charges per car collected under the present tariff, what the charges would be based on the minimum weight applied for, and in comparison therewith the charges that would be assessed at the rates and minimum weights governing for corresponding hauls in Minnesota, North Dakota and Montana. While between points in Minnesota minimum weight of 12,000 pounds per single deck car is in force, the rates are higher than those being charged in Western Canada, which brings the charges per car in Minnesota nearly as high as now being charged into Winnipeg from Prairie points and appreciably higher than the charges into Winnipeg would be on the minimum weight applied for. With regard to hauls between points in North Dakota or interstate between Minnesota and North Dakota, the charges paid on the American shipments are considerably higher than paid under the present rates and minimum weights in Western Canada and, of course, very much higher than they would be under the minimum weight applied for. Between points in Montana figures were shown in charges per car and they are on a very much higher basis than the charges based on the present rates and minimum weights in Western Canada for corresponding hauls.

Reference, as has been indicated, was made by the applicants to the decision in 69 I.C.C., 125. This is a case of the *National Livestock Exchange vs. Ann Arbor Rd. Co., et al.* The decision in this was rendered in June, 1922. Reference may also be made to the decision rendered by the Interstate Commerce Commission in February, 1923, in *Board of Railroad Commissioners of State of South Dakota vs. C. & N. W. Rd. Co., et al*, 77 I.C.C., 451.

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In the National Livestock Exchange case, the double deck minimum in cars not over 36 feet 6 inches in length was fixed at 18,000 pounds. In the South Dakota case, which was concerned with the transportation of livestock in carloads from points in South Dakota to market and intermediate points in Minnesota, Wisconsin, Illinois, Iowa, Missouri, and Nebraska, it was held that the present minimum weight of 22,000 pounds on sheep in double deck cars was not found to be unreasonable or otherwise unlawful.

It was also found that the existing minimum of 12,000 pounds on single deck cars was not unreasonable or unlawful. On the other hand, as earlier indicated, in Minnesota, North Dakota and Montana on interstate traffic, there is a minimum for single deck cars of 17,000 pounds, thus indicating a difference in treatment as between North Dakota, which is adjacent to the international boundary, and South Dakota which is not.

Here, again, the minimum weights are not, for the reasons pointed out above, conclusive of what is reasonable in Canada, unless there is a necessary identity of circumstances. What is pertinent, however, is that while the Interstate Commerce Commission has in one case in dealing with the official and southern territories fixed the double deck minimum on sheep at 18,000 pounds, it has in a decision in Western territory found that the double deck minimum of 22,000 pounds was not unreasonable. It is to be inferred from this that the Interstate Commerce Commission does not regard the difference and lower minimum in Official and Southern territories as a measure of an unjust discrimination perpetrated by means of the higher minimum in Western territory.

The position, so developed by inference, has been specifically before the Interstate Commerce Commission in a case dealing with the minimum weights on steel turnings. It was alleged that not only was there a lower minimum applicable in Central Freight Association territory, viz., 44,800 pounds, as compared with a minimum of 56,000 pounds from, *inter alia*, Elmira, N.Y., to points in New York, Ohio and Pennsylvania, which minimum applied between substantially all points east of Buffalo, N.Y., and Pittsburg, Pa., but it was also alleged that the points involved were competitive.

The Commission held that the fact that one point had a higher minimum than another did not of itself constitute undue preference within the meaning of the Interstate Commerce Commission legislation. *Briggs & Turivas vs. Director General*, 61, I.C.C., 363, at p. 365; see also *Tulsa Traffic Assn. vs. A. T. & S. F. Ry. Co.*, 40 I.C.C., 9. And on the particular facts it found the higher minimum neither unreasonable nor unlawful.

VIII

Applicants set out that it was not the rate but the minimum which was being attacked, and it was admitted that for the average hauls concerned in the West the rates were substantially on a parity with the rates in similar hauls in Eastern Canada.

As already pointed out, the central phase of the application as presented was reliance upon the question of unjust discrimination, not actual weights. This, as has been already indicated, may also be inferred from the fact that what was taken as a measure of discrimination was a weight much in excess of the amount claimed to be the average loading in the business of the applicants.

Subject to what has already been said in regard to the inapplicability to specific Canadian facts of the decisions of the Interstate Commerce Commission, except where an identity of facts and conditions has been established, reference may be made to the fact that the applicants placed some reliance upon *Armour Grain Co. vs. Director General as Agent vs. C. & N. W. Ry. Co.*, 58

I.C.C., 306, decided in August, 1920. This dealt with minimum carload weight provisions on oats from points in Minnesota, North Dakota and South Dakota to Pacific coast points, and is quoted as bearing on the proposition that the minimum to which cars are incapable of being loaded is unreasonable. At p. 308, the Commissioner stated:—

“We have repeatedly held that if carriers desire to protect themselves from unduly low charges per car, they should do so by regulating the rate and not by prescribing arbitrary minimum weights which can be loaded only in cars of unusual size, and that it is unreasonable to base charges on the minimum to which cars are incapable of being loaded.”

It may be noted that the commodity herein concerned was one capable of relatively dense loading.

It would appear that whatever affects either the rate or the minimum affects the rate burden to be borne. While the Interstate Commerce Commission has in various instances indicated that a minimum in excess of the loading capacity is unreasonable it seems to me that the bulk of the decisions in this regard are concerned with physical capacity of the car, and ability of the car to be loaded up to a minimum not exceeding physical capacity. With great respect, there would appear to be a somewhat varying trend of authority in the decisions of the Interstate Commerce Commission. There is, however, established authority for the position that the minimum weight and rate are necessarily complementary in dealing with the question of rate burden, and there is also authority for the position that while in general loading up of physical capacity, if this is below the minimum, shows that the minimum is unreasonable, the same principle does not necessarily apply to the same extent where the traffic is light and bulky, and where because of inherent physical conditions it contributes only a relatively small amount of weight per car. The Commission has said that the minimum carload weight is a factor in the carload rate, and that any reduction in the minimum weight without an increase in the rate per 100 pounds would, therefore, reduce the carload earnings of the carrier and would be equivalent to a reduction in the rate itself.

Georgia Fruit Exchange et al vs. Southern Ry. Co., 20 *I.C.C.*, 630.

It has restated the same position, adding thereto the words:—

“While we have heretofore said and now repeat that no minimum weight should ordinarily be established for a common or given dimensions which a shipper cannot in ordinary practice load into the car, we do not think the record in this proceeding brings the case within that category.”

Kansas City Hay Dealers Assn., vs. Miss. Pac. Ry. Co., 14 *I.C.C.*, 603.

It recognized in this case that a reduction in required minimum carload weights was equivalent to a reduction in rate. It has said that in the case of furniture the minimum is not of necessity unlawful because it may happen in some instances that the weight prescribed cannot by any possibility be put into the car.

Montague & Co. vs. A. T. & S. F. Ry. Co., 17 *I.C.C.*, 75.

In *Royster Guano Co. vs. A. C. L. R. R. Co.*, 50 *I. C. C.*, 41, it reaffirms its position that the minimum carload weight was necessarily a part of the rate, and stated “it determines the minimum carload charge and enters directly into the determining of whether or not that charge is reasonable.”

It has said that a minimum should be established with relation to the capacity of the car and not the needs or desires of the purchaser of the product.

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Ozark Fruit Growers Assn. vs. St. L. & S. F. Ry. Co., 16 I.C.C., 136.

In rating on *Live Poultry in Western Trunk Line Territory 32 I.C.C., 380*, which was decided in December, 1914, it had been proposed in suspended tariffs that there should be a carload minimum weight on live poultry amounting to 20,000 pounds. According to the record, the average loading did not exceed 17,000 pounds. The Commission held that the minimum of 20,000 pounds was justifiable.

It has been held that under appropriate conditions a lower rate may properly apply on a higher carload minimum.

Cairo Assn. of Commerce et al vs. Director General as Agent of the Illinois Central Rd. Co., 62 I.C.C., 701, at p. 703, decided July 15, 1921.

It refers in this connection to *Commodity Rates to Pacific Coast Terminals, 32 I.C.C., 611*, which was decided January 29, 1915.

In the *Armour Grain Company Case* already referred to, what was involved was the physical impossibility of loading a car up to the minimum with the commodity concerned. There was not involved in this any matter of the commodity being of such a nature that a considerable portion of the car would of necessity be unoccupied. Reference was made in this decision to two other cases, viz., *Riverside Mills vs. G.R.R. Co., 25 I.C.C., 434*, and *Durham Coal & Iron Co. vs. C. of G. Ry. Co., 34 I.C.C. 10*.

In the first of these cases, what was concerned was the loading of cotton factory sweepings; in the second, coke; and what was involved in both of these cases was the matter of the loading capacity of the car, not a limitation on loading placed by the nature of the article.

While the decision in the *Armour Company Case* has been referred to, the decision in the *Natchez Chamber of Commerce vs. L. & A. Ry. Co., et al., 58 I.C.C., 610*, also decided August, 1920, may pertinently be referred to. In dealing with a shipment of ice, it was pointed out that a minimum weight of 36,000 pounds was proposed. The existing minimum in Louisiana was 30,000 pounds and strong opposition was shown; it was stated that ice manufacturers at the larger cities in Louisiana maintained storage and distributing stations at various small towns throughout the State to which they shipped in carloads and from which distribution was made to local consumers; and it appeared that these stations ordinarily were not large enough to accommodate 36,000 pounds of ice, and, consequently, loading to the increased minimum would require rearrangements of these storage facilities and consequent additional expense. It was further pointed out that it was not always feasible to ship even 30,000 pounds, and that possibly one-third of the distributing stations took less than the minimum carload.

Continuing at p. 631, it said:—

“In many cases, a small town cannot use even 30,000 pounds in ten days or two weeks and because of the loss due to meltage less than the minimum is often shipped to them. Within reasonable limits, it is proper for the carriers themselves to provide the minimum weights to meet economic and commercial conditions, but we do not believe that it should be required of them except under very unusual circumstances. Efforts and progress made by carriers towards greater economy and efficiency in operation by the employment of more modern facilities of transportation should not be discouraged or retarded by the shippers' facilities to keep pace with the carriers.”

The minimum of 36,000 pounds was allowed.

From inference from this decision given in the same year and month as the *Armour Grain Company* decision, it would appear that the point of physical loading is the one which was especially in the mind of the regulative tribunal.

IX

The railways do not claim that the minimum weight involved in the present application is one to which the cars can be loaded, having in mind the nature of the commodity; but they maintain that the minimum weight is fixed to produce a minimum earning per car which is considered as fair and reasonable.

This Board, by Order No. 13224, dated March 14, 1911, denied an application from the Canadian Piano and Organ Manufacturers' Association for a reduction in carload minimum weight from 12,000 to 10,000 pounds on pianos loaded in refrigerator cars. The Board in its judgment stated:—

“The provision for a minimum weight of a carload is provided by the railway companies to insure a reasonable return to the company in the way of revenue for its service in moving a commodity which has the exclusive use of the car. It should be based of course upon what would be a fair load for the car, but in many instances commodities which move in carlots are not of an aggregate weight equal to the minimum provided by the railway companies.”

Board's Orders and Judgments, Vol. 1, p. 3.

In the application of J. H. Warrington, Cornwall, Ont., for a reduction in rates and carload minimum weights on live poultry, dismissed by the Board's Order No. 28090, dated February 11, 1919, it was stated:—

“... the evidence submitted makes it quite clear that the minimum weights in the present classification were never intended to represent the actual loading capacity, but were designed to produce reasonable carload remuneration at the classification rating of 6th class. This is one of the many anomalies that are constantly being found in freight ratings.”

Board's Orders and Judgments, Vol. 8, p. 521.

X

So far as relates to comparison with Eastern Canada, taking the standard car not over 36 feet 6 inches in length, the minimum carload weight on sheep in single deck cars is 16,000 pounds in Western Canada and 14,000 pounds in Eastern Canada.

For double deck cars, the minimum weight in Eastern Canada is 22,000 pounds, which applies not only on double deck cars furnished by the railway company but also where the shipper constructs a double deck in a single deck car. In Western Canada, the minimum weight is 24,000 pounds, for double deck cars when furnished by the railway company; in practice, very few railway-owned double deck cars are available in Western Canada. Where the shipper in Western Canada constructs a double deck in a single deck car, the actual weight, subject to minimum weight of 16,000 pounds governs, as against minimum of 22,000 pounds in Eastern Canada, and, as referred to later, this arrangement appears to be considerably to the advantage of the western shipper as compared with the shipper in Eastern Canada. The western shipper is required under the tariffs to install the extra deck at his own expense and risk.

The Western Canadian tariffs do not permit the furnishing of two single deck cars in lieu of a double deck car, the insertion of this rule obviously being due to the fact already mentioned of there being very few railway-owned double deck cars available in Western Canada. The tariffs in Eastern Canada provide that where shipper orders a double deck car and the carrier is unable to furnish same within six days, two single decks may be furnished in lieu of double deck; but it is stipulated that it will only be permissible to load in the single

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deck cars the quantity of stock that could be loaded in the double deck cars ordered. There are some other provisions in the eastern tariffs dealing with the furnishing of double deck in lieu of single deck cars, also the furnishing of longer car than ordered, but these are not germane to what is here involved.

The representatives of the railways referred to the concession granted in the West, and on shipments from Western to Eastern Canada, which is more favourable than in the eastern tariffs, with respect to single deck cars in which the shipper constructs a double deck. It is quite evident that this arrangement is availed of in Western Canada and that western shippers do not wish to be deprived of it, as in resolutions on file with the Board from the Edmonton Livestock Exchange, the Southern Alberta Wool Growers' Association and the United Farmers of Alberta, there appears the following.—

“That no change be made in the present arrangement whereby when shippers install the extra deck in a car containing over 16,000 pounds, only the actual weight is charged for.”

It was also brought out at the hearing that this double-deck arrangement is something that is made use of in connection with the longer hauls (pp. 2444-2445). It is stated by the applicants that this extra deck costs approximately \$25 in shipments going to Eastern Canada, and from \$18 to \$20 for shorter hauls in Western Canada where they are not decked so heavily. The lumber used for decking weighs from 400 to 500 pounds. Mr. Mayland, appearing for the Calgary Livestock Exchange, stated these decks were valueless to the shipper at destination unless when the car arrives somebody else is going to ship out, when the shipper may be able to get \$5 or \$10 for same.

XI

There appears to be some misunderstanding or confusion regarding the shipment in single-deck cars as compared with single deck cars in which the shipper constructs the extra deck. At p. 2434, Mr. Herbert stated:

“Take as an illustration shipping from Medicine Hat to Calgary; if you ask for a single deck car and double-deck it and pay the freight, as you will have to do, from Medicine Hat to Calgary, it will be more than two single decks”

Again, at p. 2437, he stated:—

“But we always ship by single deck from Vauxhall to Calgary, because it costs us more to put in the deck than it does to pay the extra amount for the freight.”

From Vauxhall to Calgary, two single deck cars would be charged 16,000 pounds each at rate of 25 cents per 100 pounds, or a total of \$80 for the two cars. A single deck car with extra deck installed by shipper would, at average weight of 18,000 pounds as given by applicants, work out as follows:—

18,000 pounds at 25 cents per 100 pounds	\$45 00
Cost of extra deck	20 00
Freight charges on extra deck at 500 pounds	1 25
Total	<u>\$66 25</u>

It will be noted that there is a saving of \$13.75 in the instance cited by the shipper installing his own extra deck as compared with shipping in two single deck cars. For the ordinary movement within Western Canada, this does not represent any saving as compared with the double deck minimum where double

deck cars furnished by the railway company are available, but with respect to the movement from Western to Eastern Canada the following comparison is noted:—

Vauxhall to Toronto, Montreal or Buffalo

Two single deck cars, 16,000 pounds each at \$1.14½	
per 100 pounds.. . . .	\$366 40
Single deck cars with double deck installed by shipper:	
18,000 pounds at \$1.14½ per 100 pounds..	\$206 10
Cost of installing extra deck	25 00
Freight charges on extra deck (500 ?)..	5 72
	<hr/>
Total.. . . .	\$236 82

If shipped under Western double deck minimum:	
24,000 pounds at \$1.14½ per 100 pounds .. .	\$274 80
If shipped under Eastern Canadian minimum for	
double deck:	
22,000 pounds at \$1.14½ per 100 pounds.. .	\$251 90

So far as relates to the movement from Western Canada to Eastern Canada or Buffalo, it appears the arrangement for shipper installing a double deck is largely made use of and is more favourable to the shipper than would be the application of the Eastern Canadian rule.

While it is urged that the matter is one of minimum weights, not of rates, it does not appear that there can be this sharp divorce. What the shipper is interested in is whether the burden of rate is unreasonable or unjustly discriminatory, and into the computation of this burden enters the two factors of minimum and rate. It is patent, of course, that whatever affects either factor affects the total burden of rate.

XII

In taking articles out of the classification and putting them on a commodity basis, it is a common practice for the railways in reducing a rate to increase the minimum. In the classification, cattle have a minimum of 20,000 pounds, while sheep have a minimum of 18,000 pounds. In putting sheep on a commodity basis in the West, the minimum was fixed at 20,000 pounds the same as for cattle. Then came the revision which has already been referred to, whereby the minimum was reduced to 16,000 pounds. Further, it is to be borne in mind that when in 1918 live stock rates in Western Canada were increased 25 per cent, this was with a limitation to an increase of 7 cents per 100 pounds; that is to say, the full effect of the 25 per cent was not given. In 1921, through the intermediation of this Board, a voluntary arrangement was made by the railways whereby the increase authorized in 1920 on cattle, sheep and hogs was removed, thus restoring the rates on these commodities to the basis in effect on August 12, 1918.

The situation then in the case of sheep is that they are carried on a commodity rate basis which in respect of minimum is below the classification weight, and that they are on the rate basis effective August 12, 1918, thus being given a preferred treatment as compared with other articles that might be mentioned. A reduction in the minimum would mean a further reduction in earnings as compared with other articles on which there has not been a similar rate reduction. The situation as between Eastern and Western Canada is not attacked as being unsatisfactory.

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The question narrows down to comparison of local movements in different portions of Canada, and in this connection the burden of rate, taking into consideration both rate and minimum, must be considered.

The minimum of 14,000 pounds in Eastern Canada for single deck cars has been in force since July 24, 1907. Prior to that date, the minimum was 18,000 pounds. Packers in Toronto complained that the minimum weight applicable to Buffalo under the official classification was lower than applied to Toronto; and it was urged that the Buffalo packers had an advantage in buying in Canada. This competitive situation led to the application of the official classification single deck minimum of 14,000 pounds to the Canadian movement. The adoption of this minimum was the outcome not of a finding that conditions were on all fours as between Eastern Canada and the adjacent portions of the United States; it was simply an outcome of competitive conditions.

XIII

The Board has recognized that differing conditions, competitive conditions, etc., have brought about differing rates and rules in different sections.

In speaking of rate adjustments in the West, it has been said the particular facts of the section in which the rate adjustment is made must be considered, and it does not follow that the arrangement operative in the West would be a criterion of discrimination in connection with a complaint as to a different rate adjustment east of the lakes. *Re Freight Tolls, 27 Can. Ry. Cas., 153, at p. 174.* Manifestly, the same principle applies when the comparison is concerned with a rate or practice existing in Eastern Canada.

In practice, while prior to 1907 there was an 18,000 pounds minimum in Eastern Canada and a 14,000 pounds minimum since; in Western Canada, there was as early as 1902 a minimum of 20,000 pounds, which in 1914 was reduced to 16,000 pounds.

The railways submitted (p. 2449 of the evidence) comparisons of earnings, under current rates, on sheep with certain low grade commodities moving in the same territory, the carload earnings based on a distance of 100 miles being:—

On Sheep.....	\$ 30 40
“ Hogs.....	30 40
“ Cattle.....	38 00
“ Horses.....	52 00
“ Grain.....	120 00
“ Potatoes.....	68 00
“ Coal.....	54 00
“ Lumber.....	85 00
“ Clay.....	48 00
“ Sand.....	39 00
“ Gravel.....	39 00
“ Crushed Stone.....	39 00
“ Brick.....	51 00
“ Dimension Stone.....	75 00
“ Scrap Iron.....	57 50

It is, of course, apparent that the way in which a commodity loads, e.g., wheat and scrap iron, must be borne in mind in any comparison of rates. The fact that sheep gave an earning of 30 $\frac{1}{2}$ cents per car-mile as compared with 39 cents on gravel or 57 $\frac{1}{2}$ cents on scrap iron, is not conclusive, even if cognizance is taken of the weight. As the question of reasonableness of the rate was not developed, it is sufficient to mention the difference in earnings obtained by hauling a car one mile.

Reference was made by the applicants to the question what the respective earnings were on comparative mileage in Eastern and Western Canada on the local hauls. Here, again, differences in rates and conditions must have some weight. At the same time, reference may be made to the position taken by the Board in regard to rates and rate conditions.

In 1916, the Board in *re Eastern Tolls*, 22 *Can. Ry. Cas.*, 4, at p. 41, pointed out (1) that differences of conditions existed between Eastern and Western Canada; and (2) the propriety of bringing rates and rate conditions closer to a parity where practicable. The following language was used:—

“While, as has been set out at greater length in the *Western Rates Case*, differences of conditions do exist between Eastern and Western Canada . . . the general schedule there obtaining is still higher, notwithstanding the fact that certain western rates that may be instanced are lower. There is no doubt but what the Act requires and the general public interest of the country as a whole demands that, if practicable, eastern rates should be advanced so that the different schedules may more nearly reach a parity.”

In this connection, reference may also me made to *re Freight Tolls*, 27 *Can. Ry. Cas.*, 153, at pp. 171-178.

The course of the Board's judgments and the various rate adjustments which have taken place has been steadily in the direction of a greater degree of equalization as between the East and the West. As illustrating how the changes made in minimum weights as well as differences in rate increases authorized (the increase permitted in the West being appreciably less than in Eastern Canada) has worked out in the way of equalization, the following comparison of charges per single-deck car based on the rates and respective minimum weights effective, taking three different periods from 1914 to date, is interesting.

From	To	Miles	Jany. 1st 1914	March 15th 1918	Present
			\$	\$	\$
Claresholm.....	Calgary.....	82	26 00	24 00	26 40
Innerkip.....	Toronto.....	82	14 00	19 60	24 50
MacLeod.....	Calgary.....	109	31 00	28 00	30 40
Clifford.....	Toronto.....	109	15 40	21 00	26 60
Pincher.....	Calgary.....	139	33 00	29 60	32 00
Paisley.....	Toronto.....	135	16 80	22 40	28 00
Grassy Lake.....	Calgary.....	179	37 00	32 80	36 00
Chatham.....	Toronto.....	179	18 20	24 50	30 80

But as already indicated, the difference in rules and regulations must also be given weight. Between points in Western Canada as well as in the case of shipments from Western Canada to Eastern Canada, reduced return transportation is granted to the attendant or owner who has travelled in charge of the shipment at one-half the regular one-way first-class fare. Between points in Eastern Canada, there is no provision for reduced return transportation.

In general, one man travels with each car. The standard passenger rate being 3.45 cents per mile, the one-half reduced rate is 1.725 cents per mile. Taking the various distances on present rates, the situation is as follows in regard to the cost of the shipper:—

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			Charge
82 miles, Alberta at 1·725c.....	\$	26 40	\$ 27 80
82 " Ontario at 3·45c.....		24 50	27 30
109 " Alberta at 1·725c.....		30 40	32 30
109 " Ontario at 3·45c.....		26 60	30 35
139 " Alberta at 1·725c.....		32 00	34 40
139 " Ontario at 3·45c.....		28 00	32 80
179 " Alberta at 1·725c.....		36 00	39 10
179 " Ontario at 3·45c.....		30 80	37 00

XIV

It has been said over and over again in the decisions of the Board as well as in the decisions of other regulative tribunals that the criteria of unjust discrimination are not to be found in abstract conditions. Unjust discrimination is not concerned with mere comparisons of mileage. It is concerned with the very tangible and concrete question, is there competition between the article which has a higher rate charge and the article which has a lower rate charge? If two articles of the same or identical nature are subjected to different rate treatment, then the rate is one factor which may render it difficult for the individual with the different rate or practice to do business in a common market; that is, the very material question is—Is there actual competition in the same market between the parties affected?

In re Western Tolls, 17 Can. Ry. Cas., 123, at p. 154.

Michigan Sugar Co. vs. C.W. & L.E. Ry. Co., 11 Can. Ry. Cas., 353.

In *Guest Fish Co. vs. Dominion Express Co., 18 Can. Ry. Cas., 1*, it was alleged that the toll was too low to Toronto as compared with that applicable to Winnipeg. It was held, at p. 5, by the Chief Commissioner that it was impossible to say that the Winnipeg dealer was injured owing to the fact that the rate to Toronto was too low, as the Winnipeg fish dealer was not in competition with the Ontario dealer, nor was the Winnipeg fish market in any way affected by the local Toronto market.

It has been stated by the Board:—

“Not all discriminations are forbidden by the Railway Act; the discrimination or preference forbidden is the discrimination which is unjust or the preference which is undue.”

Complaint L. Perrin & Co., Vancouver, Board's Orders and Judgments, Vol. XIII., p. 158.

It has also been ruled that—

“One criterion of unjust discrimination is whether the district or individual alleged to be discriminated in favour of has profited at the expense of the locality against which it is alleged the discrimination has taken place.”

Complaint Plunkett & Savage, Calgary, Board's Orders and Judgments, Vol. XIII, p. 164.

Ontario Paper Co. vs. G.T. Ry. Co., 24 Can. Ry. Cas., 177.

The local movements in the West are not in any sense competitive with the local movements in the East. The minimum in the East has been affected by competitive conditions not operative in the West.

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On consideration of the record and bearing in mind the low rate basis which is borne by the commodity under consideration as compared with other rates in existence, and also considering the rate and minimum, I am of opinion that it has not been established that the difference in minimum applicable in the case of local shipments in the West as compared with local shipments in the East creates an unjust discrimination against the shipments in the West, or undue preference in favour of local shipments in the East.

APPLICATION OF ROBIN HOOD MILLS LTD., *re* DEMURRAGE CHARGES

This is an application by the Robin Hood Mills, Limited, for a ruling of the Board in the matter of a claim for refund of \$85 demurrage collected by the Canadian National Railways against a car shipped by the applicant company, which claim was declined by the Canadian Car Demurrage Bureau, which administers the demurrage rules.

In its letter of October 18, 1923, to the Board the applicant company alleges that a car of flour was unduly delayed in transit. The delay between Moose Jaw and Port Arthur is figured by the applicant company at three days. From the latter point it was handled by water to Point Edward, from where it went forward to Sussex, N.B., the final point of destination, thirteen days having elapsed on the journey between Port Arthur, Ont., and Sussex, N.B. It is alleged that the ordinary time from Port Arthur to Point Edward is three days and from Point Edward to Sussex is five days.

The applicant company admits that the delay was partially due to the accumulation which naturally takes place at Point Edward and lake ports. It also alleges that there had been delay at Fort William.

The applicant company figures that the average time from Moose Jaw to Sussex, via lake and rail, is sixteen to seventeen days, whereas the car in question took thirty-four days. It further states that the customer in Sussex, being unable to wait the arrival of the car, had to buy other flour which filled up his warehouse space, and, when the car arrived seventeen days late, was unable to take in the contents of it, and, consequently, demurrage accrued on the car having to stand under load.

The applicant company bases its contention for refund on the fact that an undue period of time was taken up in transit.

Ruling

Section 4 of the Bill of Lading provides, *inter alia*, that "No carrier is bound to transport said goods by any particular train or vessel or in time for any particular market or otherwise than is required by law, unless by specific agreement endorsed thereon."

The obligation of the carrier is to move the goods with reasonable despatch. If any question arises in regard to demurrage claimed to have resulted from alleged undue delay in handling, then the question of whether or not there was reasonable despatch under the circumstances is one of fact to be determined in a court of competent jurisdiction. See ruling of Chief Commissioner Killam *re Brown Bros.* complaint of March, 1907, (file No. 3201); also section 312 of the Railway Act, 1919, subsection (1) (c) and subsection (7).

Further, in regard to the applicant company's contention that on account of alleged undue delay in transportation demurrage accrued which should be refunded to the consignee, it may be said that a similar complaint arose in the case of *Messrs. Campbell & McNab of Douglas, Ont.*, file 1700.216. Under date of March 15, 1918, this firm, which was engaged in the milling business at Douglas, Ont., wrote to the Board stating that they had ordered certain cars

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forwarded from Goderich, Ont., that they had only a small storeroom for wheat; that the first car shipped from Goderich took much longer than had been anticipated, and that the second car ordered arrived on the same day as the first car. Demurrage accrued. It was contended that this was contrary to the "bunching" rule.

Messrs. Douglas & McNab were advised by the Board that "the obligation of the carrier at law is to use due diligence in transporting the commodity, and that where complaint arises that demurrage has arisen because of lack of due diligence on the part of the carrier, the matter is one which falls within the jurisdiction of a court, not of the Board of Railway Commissioners for Canada."

In the present instance there is no damage alleged from "bunching." The claim for exemption from demurrage really depends upon two factors:—

- (1) The alleged undue time taken in transport;
- (2) The limited space for storage possessed by the consignee.

On the facts as set out, and the powers of the Board as explained, the Board cannot grant the redress asked for.

OTTAWA, December 10, 1923.

APPENDIX B

REPORT OF THE CHIEF TRAFFIC OFFICER OF THE BOARD,
W. E. CAMPBELL, FOR THE YEAR ENDING
DECEMBER 31, 1923

DEAR SIR,—I submit for the Board's Nineteenth Annual Report information regarding work of the Traffic Department.

The number of freight, passenger, express, telephone, telegraph, and sleeping and parlour car schedules filed with the Board is as follows:—

FROM JANUARY 1, 1923, TO AND INCLUDING DECEMBER 31, 1923			
Freight—			
Local tariffs.....	498		
Supplements.....	1,938		
		2,436	
Joint tariffs.....	979		
Supplements.....	9,829		
		10,808	
International tariffs.....	9,221		
Supplements.....	30,631		
		39,852	
			53,096
Passenger—			
Local tariffs.....	521		
Supplements.....	845		
		1,366	
Joint tariffs.....	991		
Supplements.....	1,563		
		2,554	
International tariffs.....	1,972		
Supplements.....	4,884		
		6,856	
			10,776
Express—			
Local tariffs.....	78		
Supplements.....	108		
		186	
Joint tariffs.....	51		
Supplements.....	1,519		
		1,570	
International tariffs.....	126		
Supplements.....	214		
		340	
			2,096
Telephone—			
Local tariffs.....	541		
Supplements.....	162		
		703	
Joint tariffs.....	8		
Supplements.....	1,939		
		1,947	
International tariffs.....	0		
Supplements.....	0		
		0	
			2,650
Telegraph—			
Tariffs.....	15		
Supplements.....	23		
		38	
			38
Sleeping and Parlour car—			
Local tariffs.....	11		
Supplements.....	14		
		25	
Joint tariffs.....	37		
Supplements.....	49		
		86	
International tariffs.....	26		
Supplements.....	99		
		125	
			236
Total.....			68,892

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FROM NOVEMBER 1, 1904, TO AND INCLUDING DECEMBER 31, 1922

Freight—

Local tariffs.....	18,235		
Supplements.....	37,115		
		55,350	
Joint tariffs.....	40,845		
Supplements.....	120,774		
		161,619	
International tariffs.....	142,457		
Supplements.....	431,117		
		573,574	
			790,543

Passenger—

Local tariffs.....	18,407		
Supplements.....	23,565		
		41,972	
Joint tariffs.....	17,104		
Supplements.....	27,367		
		44,471	
International tariffs.....	32,333		
Supplements.....	64,427		
		96,760	
			183,203

Express—

Local tariffs.....	6,078		
Supplements.....	57,419		
		63,497	
Joint tariffs.....	6,377		
Supplements.....	23,977		
		30,354	
International tariffs.....	6,113		
Supplements.....	7,314		
		13,427	
			107,278

Telephone—

Local tariffs.....	2,660		
Supplements.....	2,454		
		5,114	
Joint tariffs.....	3,912		
Supplements.....	29,714		
		33,626	
International tariffs.....	429		
Supplements.....	9,719		
		10,148	
			48,888

Telegraph—

Tariffs.....	181		
Supplements.....	211		
		392	
			392

Sleeping and Parlour Car—

Local tariffs.....	206		
Supplements.....	281		
		487	
Joint tariffs.....	222		
Supplements.....	369		
		591	
International tariffs.....	296		
Supplements.....	875		
		1,171	
			2,249

Total.....	1,132,553
Grand total.....	1,201,445

The number of files referred to the Traffic Department during the year 1923 for information, report for recommendation, was 928.

The number of communications to railways, express, telephone and telegraph companies, in connection with complaints, proper interpretation of tariffs or classification and filing of same; also in connection with powers of attorney, concurrences, etc., was 1,296. Communications to others were 1,277, or a total of 2,573, as compared with 1,477 in 1922.

The following is a list of Traffic Orders issued, also a list of orders approving connecting agreements or service station contracts between the Bell Telephone Company and named local telephone companies:—

TRAFFIC ORDERS

No. 33263, January 5, 1923.—Refuses application of Nova Scotia Shippers' Association for reduced rates on apples, in carloads, to Halifax, for export.

No. 33311, January 19, 1923.—Declares, with respect to application of Armstrong, Whitworth of Canada, Limited, that General Order No. 252, dated October 26, 1918, prescribed interswitching rates for distances not exceeding four miles, which, when added to the line carrier's rates to or from the interchange point, fixed the legal maximum joint rates in respect of the traffic covered by the said Order.

No. 33342, January 30, 1923.—Approves the conditions to be printed and signed by the holders of free annual and trip transportation issued by the Canadian National Railways.

No. 33344, January 31, 1923.—Refuses application of the Spanish River Pulp & Paper Mills, Limited, for reduced rates on paper from Sturgeon Falls and Espanola, Ontario, to Toronto and other destinations in Ontario.

No. 33355, February 1, 1923.—Refuses application of the Great West Sand & Gravel Company and Braid & McCurdy of Winnipeg, Manitoba, for reduced rates on building sand, gravel and crushed stone from Bird's Hill to Winnipeg.

No. 33362, February 7, 1923.—Refuses application of the Dominion Sheet Metal Corporation, Limited, of Hamilton, Ontario, for a reduction in the rate on galvanized sheets to Winnipeg, Man.

No. 33366, February 8, 1923.—Suspends, until further Order of the Board, Rule 5-A in Supplement No. 4 to the Canadian Pacific Railway Company's Tariff C.R.C. No. W-2658, changing minimum weights on mixed carloads of dairy and packing house products.

No. 33407, March 5, 1923.—Declares that the rates published in Northern Pacific Railway Company's Tariff C.R.C. No. 541 should have been made effective December 1, 1921, and authorizes the Northern Pacific and other interested railway companies to make refund on shipments of newsprint paper made between December 1, 1921, and January 9, 1922, of the difference between the freight charges based on the higher rates assessed and the rates which were published to become effective January 9, 1922.

No. 33413, March 6, 1923.—Suspends Supplement No. 12 to the Canadian National Railway Company's (Grand Trunk) Tariff C.R.C. No. E-4411, with leave to the said Railway Company to make formal application to the Board to cancel the milling-in-transit arrangement on peas.

General Order No. 375, March 17, 1923.—Approves Exchange and Toll Line form of Agreement (No. 650) and Service Station form of Agreement (No. 651) to be entered into between the Bell Telephone Company and any other company, municipality, or corporation having authority to construct or operate a telephone system or line.

No. 33471, March 23, 1923.—Dismisses complaint of P. Burns & Co. Ltd., of Prince Albert, Sask., against Canadian National Express with respect to claims for goods lost or damaged at flag stations.

General Order No. 377, April 6, 1923.—Approves proposed Supplement No. 20 to the Canadian Freight Classification No. 16, adding to the specifications for wooden cylindrical cheese boxes certain regulations as to the fastening of the covers thereof.

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No. 33510, April 11, 1923.—Approves by-law of the American Railway Express Company, dated March 31, 1923, authorizing the Vice-President of its Traffic Department to prepare and issue tariffs of tolls.

No. 33605, April 28, 1923.—Approves Standard and Joint Freight Mileage Tariff, C.R.C. No. E-608, of the Canadian National Railways.

No. 33614, April 30, 1923.—Approves Standard Freight Mileage Tariff, C.R.C. No. W-325, containing the Pacific and Prairie Scales, of the Canadian National Railways.

No. 33616, April 28, 1923.—Approves by-laws of the Canadian National and Canadian Northern Railway Companies, dated April 16, 1923, authorizing officers of the companies to prepare and issue tariffs of tolls.

No. 33648, May 11, 1923.—Rescinds Order No. 33366 which suspended Rule 5-A in Supplement No. 4 to the Canadian Pacific Railway Company's Tariff C.R.C. No. W-2658.

General Order No. 380, May 16, 1923.—Authorizes the Canadian National Railway Company to cancel the milling-in-transit arrangement on peas in tariff C.R.C. No. E-4411; and reserves the right to any interested party prepared to substantiate the claim that peas should be given the milling-in-transit rate, to apply to the Board for an Order requiring the railways to amend their tariffs accordingly.

No. 33692, May 25, 1923.—Requires that, effective on or before the 1st day of July, 1923, reduced rates, in cents per 100 pounds by express, be published on fish (except live fish), in carloads, minimum weight 20,000 pounds, on classification weight basis, from points in Alberta to Chicago, Ill.

No. 33841, June 29, 1923.—Approves Standard Passenger Tariff, C.R.C. Nos. E. 542-W. 547, of the Canadian National Railways.

No. 33901, July 16, 1923.—Approves Supplement No. 6 to Express Classification for Canada No. 5, making a reduction on bodies of freight motor trucks.

No. 33915, July 19, 1923.—Suspends, until further Order, provisions under certain Canadian National Railways' tariffs regarding shipments to and from Prince Edward Island points.

No. 33938, July 27, 1923.—Amends Order No. 22237, dated July 18, 1914, restricting to 24 hours, time during which carloads of lumber and forest products shipped from points in the United States to points in Canada shall be held without demurrage charges at rate-basing points, awaiting reconsignment instructions.

No. 33956, July 25, 1923.—Dismisses application of the Express Traffic Association for an Order approving a form of release for empty cream cans left on station platforms.

No. 33961, August 1, 1923.—Approves Supplement No. 7 to Express Classification for Canada No. 5.

No. 33966, July 31, 1923.—Approves Standard Mileage Freight Tariff, C.R.C. No. 307, of the Windsor, Essex and Lake Shore Rapid Railway Company.

No. 34021, August 10, 1923.—Requires the Great Northern Railway Company to revise its tariff on logs, shipped in carloads, from Farquharson's Spur at mileage 65 on its line of railway to Fernie, B.C., to provide for a minimum for carloads of 8,000 feet per car, except that the minimum will be 7,000 feet per car, where cars of 60,000 pounds capacity or less are furnished.

No. 34037, August 13, 1923.—Approves Supplement No. 8 to Express Classification for Canada No. 5.

No. 34178, September 15, 1923.—Approves By-law authorizing the General Manager and Assistant General Manager of the Express Department of the Canadian National Railway Company, from time to time to prepare and issue tariffs of every description of express tolls.

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No. 34213, September 24, 1923.—Refuses application of the Broadview Ratepayers' Association for reduction in fares on the Burnaby Lake Line of the British Columbia Electric Railway.

No. 34216, September 24, 1923.—Rescinds Order No. 22963, dated December 4, 1914, respecting certain minimum carload provisions applicable to the carriage of brick, crushed stone, and other construction materials.

No. 34236, September 27, 1923.—Refuses application of L. Perrin & Company, of Vancouver, B.C., for reduction in rates on crabs to Eastern Canada.

No. 34271, October 5, 1923.—Refuses application of the National Dairy Council of Canada for the application of express cream rates on ice cream mix and bulk evaporated milk.

No. 34281, October 5, 1923.—Refuses application of Plunkett & Savage, of Calgary, Alta., and the Scott National, Limited, of Medicine Hat, Alta., for reduction in express rates on fresh vegetables from Calgary and Medicine Hat.

General Order No. 384, October 10, 1923.—Orders reduction of ten per cent in export rates on grain and grain products from stations in Western Canada to Pacific coast ports for export.

No. 34297, October 11, 1923.—Approves Standard Mileage Freight Tariff, C.R.C. No. 1, of the Vancouver Harbour Commissioners' Terminal Railway.

No. 34298, October 11, 1923.—Approves By-law of Vancouver Harbour Commissioners authorizing W. D. Harvie to prepare and issue tariffs covering all freight traffic carried by their Terminal Railway.

No. 34324, October 15, 1923.—Dismisses application of A. J. Farquharson, of Fernie, B.C., for reduced rates on logs shipped over the Great Northern and Canadian Pacific Railways from Fernie, B.C., to Calgary, Alta.

No. 34341, October 20, 1923.—Suspends Supplement No. 69 to Tariff C.R.C. No. 3074 of the Michigan Central Railroad Company, in so far as the same relates to rates on gypsum rock.

No. 34344, October 22, 1923.—Approves Standard Freight Tariff, C.R.C. No. E-4087, of the Canadian Pacific Railway Company.

No. 34345, October 22, 1923.—Refuses application of Queen's University, Kingston, Ont., for extension of the arrangement for excursion rates in connection with football games.

No. 34352, October 24, 1922.—Approves Tariff C.R.C. No. 2 of the Eastern Telephone & Telegraph Company, showing schedule of long distance rates.

No. 34374, October 27, 1923.—Declares that express commodity rates on cream are not applicable to homogenized cream.

No. 34400, October 31, 1923.—Declares that a rate of 37 cents per 100 pounds charged on a shipment of soda ash from Walkerville, Ont., to Mille Roches, Ont., which moved on October 16, 1922, was in violation of the long and short haul clause of The Railway Act, 1919.

No. 34449, November 17, 1923.—Approves Supplement No. 21 to the Canadian Freight Classification No. 16.

No. 34472, November 22, 1923.—Refuses application of the Union Bag & Paper Corporation, of New York City, for reduction in rates on pulpwood from Canadian points to Hudson Falls, N.Y.

No. 34490, November 27, 1923.—Approves By-law authorizing the General Freight and Passenger Agent of the Quebec Central Railway Company to prepare and issue tariffs of tolls to be charged by that Company.

No. 34545, December 7, 1923.—Approves By-laws of the Chatham, Wallaceburg & Lake Erie Railway authorizing Ralph Keemle, General Manager, to prepare and issue tariffs of tolls.

SESSIONAL PAPER No. 33

General Order No. 386, December 10, 1923.—Amends Section 27 of shipping container specifications No. 6 as published in the Regulations for the Transportation of Explosives and other Dangerous Articles by Freight, to provide for closing of fibreboard boxes by gluing of end flaps.

No. 34561, December 12, 1923.—Refuses application of the Calgary Live-stock Exchange, the Southern Alberta Wool Growers' Association, and others, for an Order directing the railway companies to establish reduced **minimum** car-load weights on sheep in single and double deck cars.

TELEPHONE ORDERS

Order No.	Date		Connecting Company
33270	Jan.	9, 1923....	Gore Mutual Telephone Company.
33277	Jan.	17, 1923....	South Colchester Telephone Company.
33301	Jan.	18, 1923....	Plummer, Aberdeen & Galbraith Rural Telephone Association.
33328	Jan.	26, 1923....	Canadian Explosives, Limited.
33339	Jan.	29, 1923....	Arundel Development Company.
33349	Feb.	1, 1923....	West Lake Telephone Company.
33350	Feb.	1, 1923....	Commissioners for the Telephone system of the Municipality of the Township of Belmont.
33351	Feb.	1, 1923....	Fordwich Rural Telephone Company.
33354	Feb.	1, 1923....	Springbank Telephone Company.
33408	Feb.	28, 1923....	North Wellington Telephone Company.
33472	March	22, 1923....	John Russell Bell and Mrs. Ila S. Bell.
33479	March	27, 1923....	Alexandre Hébert (La Compagnie de Téléphone de Lotbinière et Nicolet).
33480	March	27, 1923....	Norfolk County Telephone Company.
33482	March	27, 1923....	G. E. Wheeler.
33507	April	11, 1923....	The Gatineau Valley Telephone Company.
33518	April	11, 1923....	Bowman Telephone System.
33519	April	11, 1923....	A. C. Beatty.
33524	April	11, 1923....	Jesse A. Cole and Claude Lobb (Marysburg Telephone Company).
33525	April	12, 1923....	Megantic People's Telephone Company
33526	April	12, 1923....	Dunnville Consolidated Telephone Company.
33529	April	12, 1923....	F. B. Came (The Came Telephone Line).
33604	April	28, 1923....	James MacLaren Company (Lievre River Telephone Company).
33620	May	2, 1923....	Rodrique Lapointe.
33622	May	2, 1923....	La Compagnie du Téléphone de Nicolet.
33623	May	2, 1923....	George Mason.
33624	May	2, 1923....	Eganville & Brudenell Telephone System.
33625	May	2, 1923....	Corporation of the Township of Chinguacousy.
33626	May	2, 1923....	Minesing Telephone System.
33630	May	2, 1923....	The Brown Corporation.
33639	May	7, 1923....	Bellvidere Telephone Syndicate.
33640	May	7, 1923....	La Compagnie Téléphonique des Cultivateurs de Québec.
33683	May	18, 1923....	Sebright Telephone Company.
33685	May	18, 1923....	La Compagnie de Téléphone de Woburn.
33686	May	18, 1923....	Albert Hill.
33713	May	29, 1923....	Brighton Municipal Telephone System.
33788	June	20, 1923....	Compagnie de Téléphone de la Petite Nation.
33802	June	18, 1923....	Bethesda & Stouffville Telephone Company.
33804	June	15, 1923....	Howick Municipal Telephone System.
33835	July	3, 1923....	Cecile Swale Telephone System.
33836	July	3, 1923....	Le Syndicat de Téléphone Rural de Stoke.
33839	July	3, 1923....	La Compagnie de Téléphone Richelieu.
33843	July	3, 1923....	Roman Catholic Episcopal Corporation of the Diocese of Kingston.
33876	July	9, 1923....	West Garafraxa Telephone Co-operative Association.
33879	July	9, 1923....	South Bruce Rural Telephone Company.
33887	July	9, 1923....	Wallingford Brothers.
33922	July	18, 1923....	D. S. Austin (Murray-Brighton Telephone System).
33924	July	18, 1923....	Northcote Farmers Telephone Company.
33925	July	18, 1923....	La Compagnie de Téléphone Local de Wotton.
33926	July	18, 1923....	Lanark and Ramsay Telephone Company.
33958	July	24, 1923....	American Telephone and Telegraph Company, New York Telephone Company. New England Telephone and Telegraph Company. Michigan State Telephone Company.
33997	August	7, 1923....	Balmoral Telephone System.
33998	August	7, 1923....	Moscow Rural Telephone Association.
34046	August	16, 1923....	Tipping Telephone System.
34047	August	16, 1923....	La Compagnie de Téléphone de St. Théodore.
34048	August	16, 1923....	Maberly Telephone Company.

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TELEPHONE ORDERS—*Concluded*

Order No.	Date	Connecting Company
34072	August 22, 1923....	Yarker Telephone Company.
34074	August 22, 1923....	Beeton Telephone Company.
34097	August 24, 1923....	Corporation of the Township of Tuckersmith.
34098	August 24, 1923....	Malahide & Bayham Telephone Association.
34103	August 25, 1923....	Monck Municipal Telephone System.
34132	Sept. 5, 1923....	South Crosby Rural Telephone Company.
34133	Sept. 5, 1923....	Oakwood Telephone Company.
34134	Sept. 5, 1923....	Muskoka, Victoria & Haliburton Telephone Company.
34135	Sept. 5, 1923....	Elgin-Chaffey's Locks Telephone Company.
34145	Sept. 7, 1923....	La Cie de Téléphone de St. Norbert.
34156	Sept. 7, 1923....	Lake of Bays & Haliburton Telephone Company.
34217	Sept. 20, 1923....	Petawawa Rural Telephone Company.
34230	Sept. 25, 1923....	Messrs Joseph Davis and Leslie Davis (Rankin Telephone Company).
34300	Oct. 9, 1923....	Strong Municipal Telephone System.
34305	Oct. 10, 1923....	Rama-Mara Telephone Company.
34316	Oct. 11, 1923....	Tenth Concession Alice & Fraser Telephone Company.
34321	Oct. 18, 1923....	Le Service d'Améliorations de la Prairie.
34333	Oct. 19, 1923....	West Tay Municipal Telephone System.
34366	Oct. 25, 1923....	W. R. Caldwell.
34369	Oct. 27, 1923....	Papineau d'Abbotsford Telephone Association.
34376	Oct. 27, 1923....	Alex. G. McKenzie (The Coldstream Telephone System).
34403	Nov. 5, 1923....	Manilla Union Telephone Company.
34404	Nov. 5, 1923....	Lily Creek Telephone Company.
34405	Nov. 5, 1923....	Millbrook Rural Telephone Company.
34421	Nov. 7, 1923....	Messrs J. B. Moore and E. Cheaney (Nipissing Private Telephone Line)
34464	Nov. 21, 1923....	Municipality of North Norwich.
34468	Nov. 21, 1923....	Lambeth Telephone Company.
34475	Nov. 23, 1923....	Hungerford Municipal Telephone System.
34478	Nov. 23, 1923....	Gravel Telephone System (Miss E. Gravel).
34488	Nov. 24, 1923....	Huntsville & Lake of Bays Telephone Company.
34489	Nov. 25, 1923....	Korah Base Line Telephone Company.
34495	Nov. 27, 1923....	O'Connell-Rathbun Telephone Company.
34508	Nov. 29, 1923....	Superior Telephone Club.
34511	Nov. 30, 1923....	Lyndhurst Rural Telephone Company.
34513	Dec. 1, 1923....	Mutual Telephone Company.
34514	Dec. 1, 1923....	Spey River Telephone Company.
34515	Dec. 1, 1923....	Sunny Valley Telephone Company.
34516	Dec. 1, 1923....	Pine Grove Telephone Association.
34549	Dec. 11, 1923....	Commissioners for the Telephone System of the Municipality of the Township of Otonabee.
34550	Dec. 11, 1923....	La Compagnie de Téléphone de Spring Hill.
34551	Dec. 11, 1923....	Black Lake Telephone Company.
34562	Dec. 13, 1923....	Commissioners for the Telephone System of the Municipality of the Township of Osprey.
34581	Dec. 20, 1923....	Commissioners for the Telephone System of the Municipality of the Township of Bruce.
34588	Dec. 20, 1923....	Bonfield Telephone Company.
34589	Dec. 20, 1923....	South Brant Rural Telephone Company.
34603	Dec. 28, 1923....	Barrie-Angus Telephone Company.
34604	Dec. 28, 1923....	Foster-Bondville Telephone Company.

APPENDIX C

REPORT OF THE CHIEF ENGINEER OF THE BOARD FOR THE
YEAR ENDING DECEMBER 31, 1923

OTTAWA, February 18, 1924.

A. D. CARTWRIGHT, Esq.,

Secretary, Board of Railway Commissioners,
Ottawa, Ont.

SIR,—I have the honour to submit herewith synopsis of my annual report as to the work of the Engineering Department of the Board during the year 1923.

ROUTE MAPS

The Canadian Pacific Railway filed and obtained approval of their general route from mileage 0 to 211.75, Tuffnell-Prince Albert Branch, Saskatchewan. Also general route of their Leader Southeasterly Branch, mileage 44.65 to 49.5, Saskatchewan.

The Canadian National Railways filed and obtained approval of their general route through township 40, ranges 9 and 10, 12 and 13, W. 5 Mer., and through unsubdivided township 41, ranges 10, 11 and 12, Alberta, Brazeau Branch.

The Edmonton, Dunvegan and British Columbia Railway filed and obtained approval of general route of the Grande Prairie Extension through township 71, ranges 6, 7 and 8, W. 6 Mer., Alberta.

LOCATION

Plans have been filed and approved showing the final location of a number of branch lines, and connecting lines, which are as follows:—

Canadian Pacific Railway

Tuffnell-Prince Albert Branch, mileage 0 to 68.15, Saskatchewan.
 Archive-Wymark Branch, mileage 37.67 to 53.16, Saskatchewan.
 Archive to Wymark Branch, mileage 53.16 to 77.11, Saskatchewan.
 Tuffnell-Prince Albert Branch, mileage 94.26 to 211.14, Saskatchewan.
 Cutknife-Whitford Lake Branch, mileage 78.0 to 180.84, Saskatchewan.

Canadian National Railways

Connection with British Columbia Electric Railway between Queensboro, B.C., and Steveston, B.C.

Nipissing Central Railway

From Swastika, Ont., through township of Teck and Lebel, mileage 0 to 9.
 From Swastika, Ont., through township of Lebel and Gauthier, mileage 9.0 to 19.57.

Algoma Central and Hudson Bay Railway

Through township 28, range 26, District of Algoma, Ontario.

Burrard Inlet Tunnel and Bridge Company

Bridge over Second Narrows, at Vancouver, B.C.

REVISED LOCATION

Canadian Pacific Railway

Leader Southeasterly Branch, mileage 44.61 to 49.5, Alberta.
 Pashley Northeasterly Branch, mileage 28.77 to 33.34, Alberta.
 Archive-Wymark Branch, mileage 50.69 to 52.62, Saskatchewan.
 Lanigan Northeasterly Branch, mileage 67.14 to 81.48, Saskatchewan.
 Archive-Wymark Branch, mileage 71.51 to 77.36, Saskatchewan.
 Lanigan Northeasterly Branch, mileage 49.55 to 55.63, Saskatchewan.
 Archive-Wymark Branch, mileage 54.24 to 56.82, Saskatchewan.
 Tuffnell-Prince Albert Branch, mileage 91.82 to 95.80, Saskatchewan.
 Cutknife-Whitford Lake Branch, mileage 36.05 to 45.68, Saskatchewan.
 Main Line, near Leancoil, B.C., mileage 14 to 17, British Columbia.

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Esquimalt and Nanaimo Railway, Duncan Bay Extension, mileage 45 to 76.7.

Interprovincial and James Bay Railway, Ville Marie Spur, Quebec.

Pashley Northeasterly Branch, mileage 28.77 to 32.49, Alberta.

Archive-Wymark Branch, mileage 77.11 to 77.36, Saskatchewan.

Empress-Milden Branch, mileage 192.46 to 196.69, Saskatchewan.

Cutknife-Whitford Lake Branch, mileage 5.5 to 16.38, Saskatchewan.

Archive-Wymark Branch, mileage 68.0 to 77.0, Saskatchewan.

Canadian National Railways

Revision in north half of section 27, northeast quarter of section 28, and south half of section 33, township 11, range 28, W. 2 Mer.

Revision in southeast quarter of section 31, and south half of section 32, township 11, range 29, W. 2 Mer., Saskatchewan.

Revision through Long Lake Indian Reserve No. 5, lot 3888 and lots 26, 27, section 22, township 9, Osooyos Division, Yale District, B.C.

Revision of constructed line from mileage 32.41 to 38.42, Kashabowie Subdivision.

Revision of connection between the Grand Trunk Railway and Qu'Appelle Long Lake and Saskatchewan Railway near Regina, Sask.

Revision through section 11, township 11, range 6, E.P.M., Manitoba.

Revision Niagara, St. Catharines and Toronto Railway by Welland Ship Canal at Port Weller, Ont.

Revision in north half section 27, northeast quarter section 28, and south half section 33, township 11, range 28, W. 2 M., Saskatchewan.

Revision in southeast quarter section 31, and south half section 32, township 11, range 29, W. 2 Mer., Saskatchewan.

Chatham, Wallaceburg and Lake Erie Railway

Revision between Park avenue and Mercer street, Chatham, Ont.

Grand River Railway

Revision in town of Waterloo, Ont.

HIGHWAY CROSSINGS

In connection with the above location plans, a large number of highway crossing and highway diversion plans were approved, and a number of crossings of existing railways. In all about six hundred and thirty crossings were approved, and fifty-eight diversions of highways, distributed as follows:—

British Columbia.—Forty-one crossings, three diversions.

Alberta.—Thirty crossings, two diversions.

Saskatchewan.—Four hundred and fourteen crossings, forty diversions.

Manitoba.—Twenty-seven crossings, three diversions.

Ontario.—One hundred and three crossings, six diversions.

Quebec.—Twenty-seven crossings, four diversions.

BRIDGES

The different railways throughout the country were authorized to construct or reconstruct ninety bridges. Twenty-one new bridges were inspected by the Board's engineers, and authority granted for operation.

INDUSTRIAL SPURS

Authority was granted for the construction of one hundred and twenty-five industrial spurs, varying in length from a few hundred feet to six miles, also for the removal of eight spurs.

SESSIONAL PAPER No. 33

TELEPHONE AGREEMENTS

The Board's Electrical Engineer has checked over and passed on two hundred and twenty agreements, covering connections between rural telephone companies and the Bell Telephone Company.

RAILWAY CROSSINGS

Grade crossings were authorized at the following points, protected by interlocking plants:—

Canadian National Railway by the Winnipeg Electric Street Railway on Academy road, Winnipeg, Man.

Canadian National Railway by Canadian Pacific Railway in section 21, township 34, range 13, W.2 Mer., Saskatchewan.

Midland Railway by Winnipeg Electric Railway at Notre Dame avenue, Winnipeg, Man.

Windsor and Tecumseh Railway by the Canadian National Railway at Sandwich street, Ford City, Ont.

Canadian National Railway by Canadian Pacific Railway in Section 2, township 45, range 15, W.2 Mer., Saskatchewan.

Canadian Pacific Railway by Winnipeg Electric Railway at Notre Dame avenue, Winnipeg, Man.

Canadian National Railway by Quebec Railway Light Heat & Power Company, at Beauport road, Limoilou Ward, Quebec, P.Q.

Canadian Pacific Railway by Canadian National Railway near Rowan, Ont.

Canadian National Railway by Fort William Electric Railway at Fort William, Ont.

Canadian National Railway by Peterboro Radial Railway at Lock street, Peterboro, Ont.

Niagara, St. Catharines and Toronto Railway by Welland Ship Canal Railway at Port Weller, Ont.

Canadian National Railway by Fort William Electric Railway at Frederica street, Fort William, Ont.

Mount MacKay and Kakabeka Falls Railway by Canadian National Railway, at Yonge street, Fort William, Ont.

Hydro-Electric Power Commission's tracks by Niagara-St. Catharines and Toronto Railway in lots 77 and 90, township of Stamford, Ont.

Hamilton Radial Railway by Canadian National Railway at Brant avenue, Burlington, Ont.

Windsor, Essex and Lake Shore Railway by Hydro Electric Power Commission's tracks at Erie street, Windsor, Ont.

Canadian Pacific Railway by Three Rivers Traction Company's tracks at St. Phillipe street, Three Rivers, P.Q.

Sandwich, Windsor and Amherstburg Railway by Essex Terminal Railway at Main street, township of Sandwich West, Ont.

Port Arthur Electric Railway by Canadian National Railway at Fort William road, Port Arthur, Ont.

Canadian National Railway by Belgian Industrial Company's tracks at Van Brussels, P.Q.

Canadian Pacific Railway by Winnipeg Electric Railway at Academy road, Winnipeg, Man.

Midland Railway by Winnipeg Electric Railway at Academy road, Winnipeg, Man.

INTERCHANGE TRACKS

Plans of interchange tracks between railways have been approved as follows:—

Canadian National Railway and Canadian Pacific Railway at Kamloops, B.C.

Canadian National Railway and Canadian Pacific Railway at Trenton, Ont.

Canadian Pacific Railway and Vancouver Harbour Commissioners at Vancouver, B.C.

OPENING FOR TRAFFIC

Canadian Pacific Railway.—Langdon North Branch, mileage 74.29 to 77.88, Alberta.

Kettle Valley Railway.—Penticton South Branch, mileage 10.18 to 26.8, British Columbia.

Niagara, St. Catharines and Toronto Railway.—Diversion at Port Weller, Ont.

Canadian Pacific Railway.—Kingston and Pembroke Division, mileage 100.74 to 101.93, township of Kingston, Ont.

Edmonton, Dunvegan and British Columbia Railway from Edmonton to Smith at twenty miles per hour, Smith to McLennan at twenty miles per hour, McLennan to Spirit River at twenty-five miles per hour, and Grande Prairie Branch at twenty-five miles per hour.

Nipissing Central Railway.—New Liskeard to Wendigo lake, and from Wendigo lake to Swastika, Ont.

Connection between the Grand Trunk Railway and the Canadian Northern Railway at Napanee, Ont.

Connection between Canadian National Railway, Craik Subdivision, and the Grand Trunk Pacific Railway, Riverhurst subdivision.

Esquimalt and Nanaimo Railway.—Johnson street bridge, Victoria, B.C.

Canadian National Railway.—Brûlé Subdivision, Edson Division, mileage 60.71 to 64.46, Alberta.

Canadian National Railway.—Revision of Welland Division from a point south of Thorold Station to connection with main line in lot 71, township of Thorold, Ont.

Canadian National Railway.—Main line second track, mileage 11.1 to 13.2, Kashabowie Subdivision, Ont.

Canadian National Railway.—Main line second track at Burlington to north end of swing-bridge at Burlington canal, Ont.

Connection at Camrose, Alta., also south leg of Wye at junction with Battle River Subdivision.

Canadian National Railway.—Cowichan Subdivision, mileage 52.5 to 69.4.

Connection between Canadian Northern Alberta Railway and Grand Trunk Pacific Railway at Lac Ste. Anne, Alberta.

Canadian National Railway.—Kashabowie Subdivision. Connection with Canadian Government Railway, Graham Subdivision.

Canadian National Railway.—Main line second track between Twin City Junction and Kakabeka Falls, Ont.

Canadian National Railway.—Preeceville Subdivision, Lintlaw to Kelvington, Sask.

Canadian National Railway.—Connection with Canadian Northern Ontario Railway from Nipissing Junction to lot 31, concession 12, township of Ferris, Ont.

SESSIONAL PAPER No. 33

Canadian National Railway.—Main line second track, Kaskabowie Subdivision, mileage 2.74 to 6.10.

Canadian National Railway.—Rowan revision from Conmee Junction, mileage 36.56 to 38.42, Ont.

Vancouver Harbour Commissioners—Terminal railway from Government elevator to Ballantyne pier, Vancouver, B.C.

Canadian Pacific Railway.—Leader Southeasterly Branch, mileage 0 to 25.31, Saskatchewan.

Canadian Pacific Railway.—Moose Jaw Southwesterly Branch, mileage 207.34 to 268.57, Saskatchewan.

Interprovincial and James Bay Railway.—Mileage 0 to 53, Quebec.

Kettle Valley Railway.—Pentteton to International Boundary Branch, mileage 1.62 to 4.0, and mileage 10.28 to 26.83, British Columbia.

Interprovincial and James Bay Railway.—Mileage 53 to 69.05, and Ville Marie spur, mileage 0 to 7.64, county Timiskaming, P.Q.

Canadian National Railway.—Long Lake cut-off, between Long Lake and Nakina, Ont.

Canadian National Railway.—Connection between Boundary Subdivision of Grand Trunk Pacific Railway, and Lampman Subdivision of the Canadian Northern Railway, Saskatchewan.

STANDARDS

The following standard plans have been filed and approved by the Board:—

Canadian Pacific Railway.—Standard timber overhead crossing for fifteen-ton trucks.

Nipissing Central Railway.—Standard form of construction of pile trestle.

Canadian Pacific Railway.—Standard tunnel linings.

SUBWAYS

Canadian Pacific Railway.—Julien's Crossing, one-half mile east of village of Pont Rouge, P.Q. Grant of 25 per cent from Grade Crossing Fund.

Canadian Northern Railway.—Public road between lots 30 and 31 F.R., township of Rama, two miles north of Longford Station, Ont.

Canadian National Railway.—Bloor street, township of Scarboro, county of York, Ont. Grant of 25 per cent from Grade Crossing Fund.

Canadian National Railway.—Fairford street, Moose Jaw, Sask.

Canadian Pacific Railway.—Mine tunnel of International Coal and Coke Company.

Esquimalt and Nanaimo Railway.—Logging railway of the Esary Lumber Company, in lot 36, Newcastle district, Vancouver Island, B.C.

Toronto Suburban Railway.—Subway under Canadian Pacific Railway in lot 6, concession 3, F.B., township of York, Ont.

Canadian National Railway.—Foot subway under main line and elevator tracks at Main street, Dauphin, Man. Grant of 25 per cent from Grade Crossing Fund.

Toronto, Hamilton and Buffalo Railway.—Hamilton and Ancaster Road subway in the township of Ancaster, Ont. Grant of 25 per cent from Grade Crossing Fund.

Canadian National Railway.—Subway at road allowance between section 16 and 17, township 14, range 8, W. 2 Mer., Saskatchewan. Grant of 25 per cent from Grade Crossing Fund.

CONNECTIONS

Connection between Canadian Government Railway and Canadian Northern Railway in lots 30, 31, and 32, concession B, Dawson road, township of Conmee, district of Thunder Bay, Ontario.

Connection between the Canadian Northern Railway and the Grand Trunk Pacific Railway near Lampman, Sask.

Connection between Grand Trunk Pacific Railway and the Qu'-Appelle Long Lake and Saskatchewan Railway near Regina, Sask.

Connection between the Canadian Pacific Railway and the Spokane and Alberta Coal and Coke Company's tracks in section 7, township 8, range 5, W. 5 Mer., Alberta.

Connection between the Canadian Pacific Railway and the Canadian National Railway at Owen Sound, Ont.

Connection between the British Columbia Electric Railway and the Vancouver and Lulu Island Railway at Vancouver, B.C.

Connection between the Canadian National Railway and the Alma and Jonquiere Railway near Hebertville, P.Q.

Connection between the Canadian National Railway and the Canadian Pacific Railway at Fort William, Ont.

Connection between the Canadian National Railway and the Montreal Tramways at Dargenson street, Montreal, P.Q.

Connection between the Canadian National Railway and the Ford Motor Company's tracks at Ford City, Ont.

Connection between the Essex Terminal Railway and the Ford Motor Company's tracks at Ford City, Ont.

Connection between the Nipissing Central Railway and the Temiskaming and Northern Ontario Railway at Swastika, Ont.

Connection between the Canadian National Railway and the Northern Seed Company's tracks at 98th avenue, Edmonton, Alberta.

Connection between the Grand Trunk Pacific Railway, Viking Subdivision, and the Canadian Northern Railway, Battle River Subdivision, Ryley, Alberta.

PROTECTION FOR HIGHWAY CROSSINGS

Many inspections were made by the Board's Engineers in connection with reports of accidents, and complaints *re* dangerous conditions at highway crossings, and points at which improvements have been authorized by the Board are as follows:—

Canadian Pacific Railway crossing Mechanic street, Bath, N.B. Installation of bell and wig-wag. Grant of 25% from Grade Crossing Fund.

Michigan Central Railroad crossing Moore street, St. Thomas, Ont. Installation of bell and wig-wag. Grant of 25% from Grade Crossing Fund.

Michigan Central Railroad crossing Elgin street, St. Thomas, Ont. Installation wig-wag signal. Grant of 25% from Grade Crossing Fund.

Michigan Central Railroad crossing highway west of Perry's Station, Ont. Installation of automatic bell and wig-wag signals. Grant of 25% from Grade Crossing Fund.

Canadian Pacific Railway crossing Wilson street, Perth, Ont. Installation of wig-wag signal. Grant of 25% from Grade Crossing Fund.

Canadian Pacific Railway crossing 26th street, Brandon, Man. Installation of warning signs, widening approaches, and removing obstructions to view.

Canadian National Railway crossing Riddell street, Woodstock, Ont. Installation of wig-wag signal. Grant of 25% from Grade Crossing Fund.

Canadian Pacific Railway crossing William street, Cobourg, Ont. Removal of obstructions to view. Grant of 25% from Grade Crossing Fund.

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Canadian Pacific Railway crossing highway between lots 23 and 24, concession 10, township of Goulborne, Ont. Grant of 25% from the Grade Crossing Fund.

Canadian National Railway crossing 11th avenue, Saskatoon, Sask. Installation of automatic electric bell and wig-wag signal. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing highway at mileage 106, near Lilac, Sask. Removal of brush and obstructions to view.

Canadian Pacific Railway crossing Kingston road in lot 33, concession 1, county of Hastings, Ont. Installation of illuminated electric bell.

Canadian National Railway crossing first highway west of Carp, Ont. Installation of switch box. Grant of 25% from Grade Crossing Fund.

Canadian Pacific Railway crossing Talbot street, Winnipeg, Man. Installation of attachment to gates.

Toronto, Hamilton and Buffalo Railway crossing First Governors road, Mineral Springs, Ont. Removal of board fence and cutting down embankment to improve view. Grant of 25% from Grade Crossing Fund.

Grand Trunk Railway crossing highway between concessions 10 and 11, one mile west of Drayton, Ont. Trimming trees and hedges to improve view.

London and Port Stanley Railway crossing Gravel road, south of St. Thomas, Ont. Removal of obstructions to view.

Brantford and Hamilton Railway crossing Stone road, east of Cainsville, Ont. Removal of hedge and trees to improve view. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing Francis street, Fort William, Ont. Installation of bell and wig-wag.

Canadian National Railway crossing Brock street, Fort William, Ont. Installation of bell and wig-wag.

Canadian National Railway crossing Amelia street, Fort William, Ont. Installation of bell and wig-wag.

Canadian Pacific Railway and Canadian National Railway crossing Eglington avenue, Toronto, Ont. Installation of wig-wag signal and bells. Grant of 25% from Grade Crossing Fund.

Michigan Central Railroad crossing Graham street, West Lorne, Ont. Installation of gates. Grant of 25% from Grade Crossing Fund.

Michigan Central, and Pere Marquette Railroads crossing Main street, Dutton, Ont. Reconstruction of gates. Grant of 25% from Grade Crossing Fund.

Canadian Pacific Railway crossing Pembroke street (Moffatt's Crossing), Pembroke, Ont. Installation of bell and wig-wag. Grant of 25% from the Grade Crossing Fund.

Michigan Central Railroad crossing highway, one mile east of Shedden, Ont. Installation of wig-wag signal. Grant of 25% from Grade Crossing Fund.

Canadian Pacific Railway crossing Milford street, Fairville, N.B. Installation of standard illuminated danger sign on bell post.

Michigan Central Railroad crossing highway two miles east of Perry's, Ont. Removal of trees to improve view. Grant of 25% from Grade Crossing Fund.

Toronto, Hamilton and Buffalo Railway crossing Red Hill road, between lots 31 and 32, concession 4, township of Saltfleet, Ont. Removal of trees and obstructions to view. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing Charlotte street, Peterborough, Ont. Placing of gatemen.

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Canadian Pacific Railway crossing Brock road, east end of platform at Puslinch Station, Ont. Installation of wig-wag. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing Dixie road, between lots 5 and 6, concession 2, township of Toronto. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing Ingersoll road, Woodstock, Ont. Removal of obstructions to view.

Canadian National Railway crossing highway immediately east of Charlesburg West Station, P.Q. Installation automatic bell and wig-wag. Grant of 25% from the Grade Crossing Fund.

Canadian National Railway crossing William street, Cobourg, Ont. Installation of double illuminated electric bells and wig-wag signals. Grant of 25% from Grade Crossing Fund.

Canadian Pacific Railway crossing highway at Locust Hill, Ont. Removal of obstructions to view. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing Frederica and William streets, Fort William, Ont. Installation double automatic bells and wig-wag. Grant of 25% from Grade Crossing Fund.

Grand River Railway and Canadian Pacific Railway crossing intersection of Beverly and Dundas streets, Galt, Ont. Change in method of operating bell.

Grand Trunk Railway crossing highway immediately east of Maxville, Ont. Installation of track cut-out and stick relay. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing Water street, Hope, B.C. Removal of obstructions to view.

Toronto, Hamilton & Buffalo Railway crossing Victoria avenue, Hamilton, Ont. Installation of "Bryant Auto-flag." Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing highway immediately west of Mille Roche, Ont. Installation of automatic electric bell and wig-wag. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing Cannifton road, Belleville, Ont. Installation of wig-wag signal. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing West Governor's road, township of Ancaster, Ont. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing William street, Cobourg, Ont. Removal of obstructions to view, and installation of double illuminated electric bells and wig-wag. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing highway one and a half miles south of Varney, Ont. Removal of obstructions to view. Grant of 25% from Grade Crossing Fund.

Hamilton Radial Railway crossing highway between lots 30 and 31, township of Trafalgar, Ont. Removal of obstructions to view. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing highway east of Delhi, Ont. Removal of obstructions to view. Grant of 25% from Grade Crossing Fund.

Canadian National Railway crossing Christina street, Sarnia, Ont. Placing of watchmen.

PROTECTION AT RAILWAY CROSSINGS

Automatic derail and signal system at crossing of Port Arthur Electric Railway and Canadian National Railway at Port Arthur, Ont. Grant of 25% from Grade Crossing Fund.

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Half interlocker installed at crossing of Fort William Electric Railway and Canadian National Railway at Frederica street, Fort William, Ont. Grant of 25% from Grade Crossing Fund.

Change in interlocking plant at crossing of the Canadian National Railway and Canadian Pacific Railway at Port Arthur, Ont.

Replacing dwarf signal with high signal at crossing of George street, Peterborough, Ont., by the Peterborough Radial Railway and the Canadian Pacific Railway.

Installation of half interlocking plant, derails and signals at crossing of the Quebec Railway Light, Heat and Power Company and the Canadian National Railway at Beauport Road, Quebec, P.Q.

Changes in location of signals at interlocker in Windsor Yard, Windsor, Ont.

Installation of automatic crossing signals at crossing of Grand Trunk Railway and Canadian Pacific Railway at Pages, Ont.

Installation of interlocking plant at lift bridge at Bear's Pass. Fort Francis Subdivision, Canadian National Railway.

Installation of interlocking signal protection at the crossing of the Maine Central Railroad and the Canadian Pacific Railway at Cookshire, P.Q.

Installation of track circuit locking, removal of detector bars and rearrangement of levers at Blenheim Junction, Ont.

Installation of automatic signal protection at crossing of the Canadian Pacific Railway at Tichborne, Ont.

Repairs to half interlocking plant at crossing of the Moose Jaw Electric Railway and the Canadian National Railway at 10th avenue, Moose Jaw, Sask.

Change in interlocking plant at crossing of the Pere Marquette Railroad and the Canadian Pacific Railway at Chatham, Ont.

Change in interlocking plant at crossing of the Canadian Pacific Railway and the Canadian National Railway at Canpa, Ont.

DRAINAGE

Simon Calloran Award drain in lots 22-23, concessions 6 and 7, township of Caledonia, Ont.

Ferry Award drain in lot 16, concession 6, township of Caledonia, Ont.

Drainage in Ranfurly Station grounds, Canadian National Railway.

Arthur Thompson drain under Canadian National Railway in lot 18, concession 12, township of Peel, Ont.

Sewer under Canadian Pacific Railway at Sunalta, Alberta.

Partridge drain under Canadian Pacific Railway in lots 24 and 25, township of Elma, Ont.

Drainage of subway at Yonge street, Aurora, Ont. Grand Trunk Railway.

In addition to the above, many other matters have been dealt with, such as fencing on railway right of way, cable crossings, cattle passes, wire crossings, expropriation of land, etc.

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APPENDIX D

REPORT OF THE CHIEF OPERATING OFFICER OF THE BOARD,
GEORGE SPENCER, FOR THE YEAR ENDING
DECEMBER 31, 1923

OTTAWA, February 15, 1924.

A. D. CARTWRIGHT, Esq.
Secretary, B.R.C.,
Ottawa, Ont.

DEAR SIR,—I have the honour to submit, for the Board's nineteenth annual report, a synopsis of the work performed by the Operating Department during the year ending December 31, 1923.

REPORTING AND INVESTIGATING ACCIDENTS ATTENDED BY PERSONAL INJURY
OR LOSS OF LIFE

During the year there were 3,187 accidents reported to the Board by the various railway companies subject to its jurisdiction, in which 295 persons were killed and 3,597 injured. For particulars see statements Nos. 1, 3, and 4.

The comparative statements—Nos. 2, 5, and 6 of killed and injured—show an increase of 52 persons killed and 741 injured.

Out of the total of 3,187 accidents so reported, 1,509 were investigated covering 215 persons killed and 1,942 injured. Detailed statements Nos. 7, 8, 9 and 10 set out the investigations made in connection with collisions, derailments, highway crossing accidents, and accidents to employees while working on or under engines.

It will be observed that these four statements show a total of 489 investigations, covering 89 persons killed and 940 injured. The remainder of 1,120 investigations, covering 126 persons killed and 1,002 injured, being spread over accidents covered by the various headings referred to in statements Nos. 3, 4, and 5.

Out of a total of 3,187 accidents and 3,892 casualties during the fiscal year, there were 76 trespassers killed and 98 injured. In this connection reference is made to statement No. 16 showing by railways and provinces the number killed and injured.

The matter of highway crossing accidents, protection provided, etc., is dealt with in detail statements Nos. 3, 4, 5, 9, 11, 12, 13, 14 and 15.

INSPECTION OF SAFETY APPLIANCES

The work coming within this category is largely carried on under the provisions of section 298 of the Railway Act and General Order No. 102; a reprint of the latter having been made during the fiscal year embodying all the amendments to date. The work performed by the department in this connection will be found in detail statements Nos. 19, 20, 21 A and B. The inspection of 77,345 cars, it will be readily understood, entails considerable time and labour, both on the ground and in the office at headquarters where the work of recording, checking and filing of the numerous reports is carried on, together with correspondence with the companies with a view to having the defects so reported remedied as promptly as possible.

The inspection of 77,345 cars above referred to produced 3,458 defective cars (4.47 per cent) with defects totalling 3,811.

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INSPECTION OF MOTIVE POWER AND STATIONARY BOILERS

This division of the work is carried on under sections 298, 299, 300 and 301 of the Act, and the Board's General Orders Nos. 12, 31, 66, 78, 102, 107, 131, 171, 199, 226, 289, 293 and 330.

Under General Order No. 78, the so-called "Locomotive Boiler Inspection Order," approximately 69,000 report forms of monthly and annual inspections were filed during the year.

Under General Order No. 330, the so-called "Stationary Boiler Inspection Order," approximately 19,000 report forms of semi-annual and annual inspections were filed during the year.

A total of 10,364 locomotives were inspected during the fiscal year, the total number of defective engines being 355 (4 per cent) with defects numbering 404. For details see statement No. 22.

The checking and recording of the above-mentioned forms and reports, together with the correspondence involved, naturally creates an extensive line of work.

INSPECTION OF PASSENGER EQUIPMENT, STATION BUILDINGS AND PREMISES

This work comprises features of safety, cleanliness, accommodation, etc. A large number of matters have been brought to the attention of the proper officials with beneficial results.

APPLICATIONS AND COMPLAINTS RE TRAIN AND STATION SERVICE, HIGHWAY CROSSING PROTECTION, STATION LOCATIONS, CAR SUPPLY, ETC.

The work under this heading covers a wide range of subjects, and entails, in many instances, a considerable amount of enquiry and research. During the year complaints and applications numbering in the neighbourhood of 1,566 were enquired into and reported upon.

In conclusion it might be stated that, in order to accomplish the work briefly outlined above, it has necessitated the travelling of 290,390 miles by the staff of this department.

No. 1.—STATEMENT Showing Number of Passengers, Employees and Others Killed and Injured on the various Railways in Canada, under the Board's Jurisdiction, for Year Ending December 31, 1923.

Name of Railway	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Canadian National.....	4	192	67	1,502	81	275	152	1,969
Canadian Pacific.....	2	305	40	935	58	153	100	1,393
Lake Erie & Northern.....					2	6	2	6
Midland.....				2				2
Brantford & Hamilton Electric....						1		1
Toronto Suburban.....					2		2	
Windsor, Essex & Lake Shore....		16	1	4		2	1	22
Montreal & Southern Counties.....			1			4	1	4
Toronto, Hamilton & Buffalo.....				4	2	5	2	9
Rutland.....				1				1
Hamilton Radial.....					1	3	1	3
Niagara, St. Catharines & Toronto						5		5
Dominion Atlantic.....					1	1	1	1
Edmonton, Dunvegan & British Columbia.....			2				2	
Central Vermont.....		12		3				15
Kettle Valley.....		1		5		2		8
Algoma Eastern.....				1				1
Algoma Central & Hudson Bay....			2	4		5	2	9
British Columbia Electric.....						1		1

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No. 1.—STATEMENT Showing Number of Passengers, Employees and Others Killed and Injured on the various Railways in Canada, under the Board's Jurisdiction, for Year Ending December 31, 1923—*Concluded.*

Name of Railway	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Quebec Central.....	4	4				1	4	5
Maritime Coal Railway & Power Co.....					1	1	1	1
Esquimalt & Nanaimo.....				4	1	11	1	15
Hull Electric.....				1	1	3	1	4
Grand River.....			1	1			1	1
Quebec, Montreal & Southern.....		1	1	5		1	1	7
Quebec Railway Light & Power Co.....	1	3		2	1		2	5
Pere Marquette.....			1	7	1	4	2	11
London & Port Stanley.....						2		2
Michigan Central.....			4	44	4	6	8	50
New York Central.....	2	6		4	2	2	4	12
Maine Central.....						2		2
Great Northern.....	2	18	1	13		1	3	32
Temiscouata.....			1				1	
	15	558	122	2,542	158	497	295	3,597

No. 2.—COMPARATIVE STATEMENT of Killed and Injured Between Year Ending December 31, 1922, and Year Ending December 31, 1923.

	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
1922.....	5	376	83	2,084	155	396	243	2,856
1923.....	15	558	122	2,542	158	497	295	3,597
Increase.....	10	182	39	458	3	101	52	741

No. 3.—STATEMENT Showing Separately the Number of Passengers, Employees and Others, Killed and Injured, and the Nature of the Accidents, for Year Ending December 31, 1923.

Character of Accidents	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Derailment.....	4	265	6	107		9	10	381
Collision head-on.....		18	6	30			6	48
Collision rear-end.....		44	6	40		3	7	87
Collision in yard.....		1	5	47			5	48
Collision with cars standing foul.....		1	1	1			1	2
Collision with cars account open switch.....		2		5				7
Collision at level (diamond) crossing.....	2	17		2		1	2	20
Public Highway crossing protected by gates.....					2	20	2	20
Public Highway Crossing protected by bell.....					13	43	13	43
Public highway crossing protected by watchman.....					1	8	1	8
Public highway crossing unprotected.....			1	3	47	252	48	255
Private crossing.....				1	8	19	8	20
Trespassing.....				1	76	97	76	98
Working on or under engine.....			1	386			1	386
Miscellaneous.....	1	139	9	839		23	10	1,001
Adjusting couplers, coupling and uncoupling.....			7	107			7	107

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No. 3.—STATEMENT Showing Separately the Number of Passengers, Employees and Others, Killed and Injured, and the Nature of the Accidents, for Year Ending December 31, 1923.—*Concluded.*

Character of Accidents	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Run down by engine or car between stations.....			6	8	3		9	8
Falling off hand car, motor or velocipede.....		3	5	157	1	7	6	167
Hand car, motor, velocipede struck by train.....			5	36		2	5	38
Crawling under cars.....				8				8
Crawling between cars over couplers.....			3	8			3	8
Struck by car standing foul.....			1	13			1	13
Struck by switch stand, water spout, mail crane, etc.....			1	32			1	32
Crushed between cars, building, lumber pile, platforms, etc.....				14				14
Explosion of locomotive boiler.....			2	4			2	4
Falling off passenger train.....	4	13	1	3			5	16
Falling off tender while handling coal.....				3				3
Falling off tender while taking water.....				14				14
Industrial.....								
Riding on pilot or foot board of engine.....			1	49			1	49
Overhead obstruction.....								
Repairing cars on repair track when moved.....			1	3			1	3
Falling off top of car.....			2	84			2	84
Falling between cars.....			2	11			2	11
Application of air brake.....		2	2	153			2	155
Jumping off train in motion.....	3	42	1	45	3	3	7	90
Attempt to board train in motion.....		10	4	48	1	5	5	63
Washout.....								
Bridge gave way or destroyed by fire.....			1	1			1	1
Electrocuted.....								
Run down by engine or cars at stations or in yards.....	1	1	38	73	3	5	42	79
Passing too close around end of string of cars.....								
Caught in frog, guard rail, or switch rod.....								
Caught between engine or car while throwing switch.....				4				4
Falling off side and end ladders of cars.....			1	48			1	48
Falling off while car working hand brake.....			1	75			1	75
Asphyxiated in tunnel.....				2				2
Handling freight and baggage.....				18				18
Loading and unloading O.C.S. material.....			1	23			1	23
Staking or poling cars.....				6				6
Working in coal chute.....				1				1
Cars moved while being loaded or unloaded.....				2				2
Drawbridge open.....								
Carmen working on or under cars on running track when moved....				1				1
Chaining and unchaining cars.....				1				1
Coupling and uncoupling hose and turning angle cock.....			1	25			1	25
	15	558	122	2,542	158	497	295	3,597

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[illegible]

No. 5.—COMPARATIVE STATEMENT in Totals of Killed and Injured by Class of Accident Between Year Ending December 31, 1922, and Year Ending December 31, 1923.

Character of Accidents	1922		1923		Increase		Decrease	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailement.....	10	215	10	381		166		
Collision head-on.....		64	6	48	6			16
Collision rear end.....	3	30	7	87	3	57		
Collision in yard.....	1	57	5	48	4			9
Collision with cars standing foul.....		5	1	2	1			3
Collision with cars account open switch.....		6		7		1		
Collision at level (diamond) crossing.....		13	2	20	2	7		
Public highway crossing protected by gates.....	2	10	2	20		10		
Public highway crossing protected by bell.....	5	16	13	43	8	27		
Public highway crossing protected by watchman....	1	9	1	8				1
Public highway crossing unprotected.....	58	202	48	255		53	10	
Private crossing.....	9	27	8	20			1	7
Trespassing.....	71	90	76	98	5	8		
Working on or under engine.....		351	1	386	1	35		
Miscellaneous.....	3	538	10	1,001	7	463		
Adjusting couplers, coupling and uncoupling.....	5	79	7	107	2	28		
Run down by engine or car between stations.....	10	12	9	8			1	4
Falling off hand car, motor or velocipede.....	2	178	6	167	4			11
Hand car, motor, velocipede struck by train.....	10	38	5	38			5	
Crawling under cars.....	1	1					1	1
Crawling between cars over couplers.....		15		8				7
Passing between cars between couplers.....	1	4	3	8	2	4		
Struck by car standing foul.....	2	16	1	13			1	3
Struck by switch stand, waterspout, rail, crane, etc..		42	1	32	1			10
Crushed between cars, buildings, lumber piles, plat- forms, etc.....	2	16		14			2	2
Explosion of locomotive boiler.....		7	2	4	2			3
Falling off passenger train.....	1	13	5	16	4	3		
Falling off tender while handling coal.....		7		3				4
Falling off tender while taking water.....		10		14		4		
Industrial.....	2	42					2	42
Riding on pilot of footboard of engine.....	1	34	1	49		15		
Overhead obstruction.....		8						8
Repairing cars on repair track when moved.....			1	3	1	3		
Falling off top of car.....	2	53	2	84		31		
Falling between cars.....	3	11	2	11			1	
Application of air brake.....	1	146	2	155	1	9		
Jumping off train in motion.....	8	117	7	90			1	27
Attempt to board train in motion.....	1	62	5	63	4	1		
Washout.....		27						27
Bridge gave way or destroyed by fire.....			1	1	1	1		
Electrocuted.....								
Run down by engine or cars at stations or in yards..	26	62	42	79	16	17		
Passing too close around end of string of cars.....								
Caught in frog, guard rail, or switch rod.....		1						1
Caught by engine or car while throwing switch.....		6		4				2
Falling off side and end ladders of cars.....		33	1	48	1	15		
Falling off car while working hand brake.....	2	68	1	75		7	1	
Asphyxiated in tunnel.....				2		2		
Handling freight and baggage.....		56		18				38
Loading and unloading O.C.S. material.....		18	1	23	1	5		
Staking or poling cars.....		4		6		2		
Working in coal chute.....		3		1				2
Cars moved while being loaded or unloaded.....		7		2				5
Drawbridge open.....								
Carmen working on or under cars on running track when moved.....		2		1				1
Chaining and unchaining cars.....		1		1				
Coupling and uncoupling hose and turning angle cock		24	1	25	1	1		
	243	2,856	295	3,597	78	975	26	234
			243	2,856	26	234		
Increase.....			52	741	52	741		

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No. 6.—COMPARATIVE STATEMENT in Totals of Killed and Injured Between Year Ending December 31, 1922, and Year Ending December 31, 1923.

	1922		1923		Increase		Decrease	
	K.	I.	K.	I.	K.	I.	K.	I.
Canadian National.....	100	1,765	152	1,969	52	204	.....	.....
Canadian Pacific.....	107	866	100	1,393	.....	527	7	.....
Lake Erie & Northern.....	.....	3	2	6	2	3	.....	.....
Midland.....	.....	.....	.....	2	.....	2	.....	.....
Brantford & Hamilton Electric.....	.....	2	.....	1	.....	.....	.....	1
Toronto Suburban.....	.....	18	2	.....	2	.....	.....	18
Windsor, Essex & Lake Shore.....	1	38	1	22	.....	.....	.....	16
Mountreal & Southern Counties.....	.....	1	1	4	1	3	.....	.....
Toronto, Hamilton & Buffalo.....	2	8	2	9	.....	1	.....	.....
Rutland.....	.....	.....	.....	1	.....	1	.....	.....
Hamilton Radial.....	.....	2	1	3	1	1	.....	.....
Niagara, St. Catharines & Toronto.....	.....	3	.....	5	.....	2	.....	.....
Dominion Atlantic.....	1	1	1	1	.....	.....	.....	.....
Edmonton, Dunvegan & British Columbia.....	1	4	2	.....	1	.....	.....	4
Central Vermont.....	.....	5	.....	15	.....	10	.....	.....
Kettle Valley.....	.....	34	.....	8	.....	.....	.....	26
Algoma Eastern.....	.....	.....	.....	1	.....	1	.....	.....
Algoma Central & Hudson Bay.....	1	1	2	9	1	8	.....	.....
British Columbia Electric.....	.....	.....	.....	1	.....	1	.....	.....
Quebec Central.....	.....	1	4	5	4	4	.....	.....
Maritime Coal Railway & Power Co.....	.....	.....	1	1	1	1	.....	.....
Esquimalt & Nanaimo.....	.....	2	1	15	1	13	.....	.....
Hull Electric.....	.....	1	1	4	1	3	.....	.....
Grand River.....	.....	3	1	1	1	.....	.....	2
Quebec, Montreal & Southern.....	.....	8	1	7	1	.....	.....	1
Quebec Railway Light & Power Co.....	.....	.....	2	5	2	5	.....	.....
Pere Marquette.....	.....	5	2	11	2	6	.....	.....
London & Port Stanley.....	1	4	.....	2	.....	.....	1	2
Michigan Central.....	23	57	8	50	.....	.....	15	7
New York Central.....	1	5	4	12	3	7	.....	.....
Maine Central.....	1	.....	.....	2	.....	2	1	.....
Great Northern.....	1	13	3	32	2	19	.....	.....
Temiscouata.....	.....	.....	1	.....	1	.....	.....	.....
Niagara, Welland & Lake Erie.....	.....	1	.....	.....	.....	.....	.....	1
Napierville Jct.....	1	4	.....	.....	.....	.....	1	4
Atlantic Quebec & Western.....	1	1	.....	.....	.....	.....	1	1
Oshawa.....	1	.....	.....	.....	.....	.....	1	.....
	243	2,856	295	3,597	79	824	27	83
			243	2,856	27	83		
Increase.....	.....	.....	52	741	52	741	.....	.....

No. 7.—STATEMENT Showing Collisions Attended by Personal Injury Investigated During the Year Ending December 31, 1923.

File	Date	Railway	Place	Killed	Injured
Inv. 12493..	Dec. 11...	C.P.R.....	Winnipeg Terminals, Man.....	.....	1
" 12503..	Aug. 29....	C.N.R.....	Edmonton, Alta.....	.....	1
" 12504..	Nov. 18....	C.P.R.....	Outremont Yard, Que.....	.....	1
" 12552..	Dec. 17....	C.N.R.....	Mokomon, Ont.....	.....	3
" 12559..	Dec. 13....	C.N.R.....	Regina, Sask.....	.....	1
" 12563..	Oct. 18....	K.V.R.....	Brookmere Yard, B.C.....	.....	1
" 12605..	Dec. 27....	B.C.E. & G.N.R....	Vancouver, B.C., Venables Street.....	2	18
" 12622..	Jan. 16....	G.T.R.....	Port Union, Ont.....	.....	3
" 12626..	Dec. 13....	C.N.R.....	Justice, Man.....	.....	1
" 12650..	Dec. 29....	C.N.R.....	Marchand, Man.....	.....	2
" 12656..	Dec. 19....	C.P.R.....	Martin, Ont.....	.....	1
" 12667..	Jan. 11....	C. N.R.....	Mecheche, Alta.....	1	1
" 12679..	Jan. 13....	G.T.R.....	Shanty Bay, Ont.....	1
" 12689..	Dec. 12....	C.P.R.....	Winnipeg Terminals, Man.....	2

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No. 7.—STATEMENT Showing Collisions Attended by Personal Injury Investigated
During the Year Ending December 31, 1923.—*Concluded.*

File	Date	Railway	Place	Killed	Injured
" 12694..	Jan. 19....	C.P.R.....	Winnipeg Terminals, Man.....		1
" 12742..	Dec. 28....	G.T.R.....	Point St. Charles East, Montreal, Que.....		1
" 12745..	Feb. 6....	C.N.R.....	South River, Ont.....		1
" 12752..	Feb. 23....	C.N.R.....	Mimico Yard, East End, Ont.....		22
" 12758..	Jan. 18....	C.P.R.....	Taft, B.C.....		2
" 12762..	Feb. 13....	C.N.R.....	Langbank, Sask.....		6
" 12776..	Mar. 5....	C.P.R.....	McAdam Yard, N.B.....	1	.....
" 12782..	Mar. 6....	G.T.R.....	Cobourg, Ont.....		11
" 12789..	Feb. 20....	C.N.R.....	Fort Rouge, Winnipeg Terminals, Man.....		1
" 12798..	Feb. 2....	M.C.R.....	Montrose Yard, Ont.....		1
" 12801..	Mar. 3....	C.N.R.....	Muskoka Wharf, Ont.....		1
" 12802..	Feb. 18....	C.N.R.....	Winnipeg, Man.....		5
" 12817..	Mar. 13....	C.N.R.....	Brockville Yard, Ont.....		1
" 12834..	Feb. 16....	C.P.R.....	Mannyberries, Alta.....		3
" 12833..	Feb. 10....	C.N.R.....	Regina, Sask.....		1
" 12843..	Feb. 10....	C.N.R.....	Openshaw, Alta., near M.P. 145.5.....	3	1
" 12854..	Mar. 18....	C.N.R.....	Fort Rouge, Winnipeg Terminals, Man.....		1
" 12884..	Mar. 7....	C.N.R. & St. Ry....	Regina, Sask., Dewdney St., Sask.....		1
" 12918..	Mar. 18....	M.C.R.....	Welland, Ont.....		1
" 12939..	Mar. 25....	A.C. & H.B	Near Frater, Ont., M.P. 104½.....		3
" 12968..	April 4....	C.N.R.....	Turcot West, Que.....		1
" 13013..	April 8....	C.N.R.....	Newcastle, Ont.....	1	.....
" 13019..	April 9....	C.N.R.....	Moncton, N.B.....	1	.....
" 13061..	Mar. 17....	C.N.R.....	Alfred Centre, Ont.....		1
" 13091..	May 15....	C.N.R.....	Pt. St. Charles, Montreal, Que.....		1
" 13156..	May 15....	C.N.R.....	Hudson Bay Jct., Ont.....		1
" 13229..	June 12....	C.N.R.....	Toronto passenger yard, Ont.....		1
" 13300..	May 30....	C.N.R.....	4 poles west of M.P. 5, LaTuque Sub., Que.....		1
" 13388..	June 28....	C.N.R.....	La Seine, Ont.....		1
" 13421..	Aug. 18....	C.N.R.....	Brantford, Ont.....		2
" 13440..	Aug. 17....	C.N.R.....	Copetown, Ont.....		1
" 13460..	Aug. 18....	P.M.R.....	Leamington, Ont.....		3
" 13467..	July 22....	W.E. & L.S.	Talbot St., Naylors Curve.....		6
" 13476..	July 23....	C.N.R.....	Montmagny, Que.....		3
" 13479..	June 14....	C.P.R.....	Fairville, N.B.....		5
" 13526..	Aug. 29....	C.N.R.....	Peterboro, Ont.....		2
" 13551..	Aug. 5....	C.N.R.....	Southwark, Montreal, Que.....		5
" 13662..	Sept. 22....	C.N.R.....	Near Redpath, Sask.....		2
" 13708..	Oct. 16....	C.N.R.....	Oakville, Ont.....		1
" 13734..	Sept. 28....	C.N.R.....	Fort Rouge, Winnipeg Terminals, Man.....		1
" 13736..	Oct. 13....	C.P.R.....	Neepawa, Man.....		1
" 13737..	Oct. 11....	C.P.R.....	M.P. 14, Kaministiquia Subdivision, Ont.....		3
" 13747..	Sept. 6....	C.N.R.....	Thompson, N.B.....		1
" 13773..	Oct. 15....	C.P.R.....	Lethbridge Yard, Alta.....		1
" 13786..	Oct. 16....	C.N.R.....	Seagrave, Ont.....		4
" 13792..	Oct. 30....	C.P.R.....	Peterboro, Ont.....		1
" 13816..	Oct. 24....	C.N.R.....	St. Onge, Que.....	1	.....
" 13823..	Oct. 17....	C.N.R.....	Transcona, Man.....		1
" 13826..	Oct. 22....	C.N.R.....	M.P. 90.6 near Quinn, Ont.....		3
" 13846..	Nov. 5....	C.P.R.....	Winnipeg Terminals, Man.....	1	.....
" 13848..	Nov. 11....	C.P.R.....	Galt, Ont.....		1
" 13857..	Nov. 13....	C.N.R.....	Just West of Santiago Yard, Ont.....	1	15
" 13868..	Oct. 8....	C.P.R.....	Fredericton, N.B.....		17
" 13871..	Nov. 7....	C.N.R.....	Allen, Sask.....		1
" 13872..	Nov. 4....	C.N.R.....	Morgan, Ont.....		4
" 13881..	Nov. 4....	C.P.R.....	Winnipeg Terminals, Man.....		2
" 13893..	Nov. 19....	C.N.R.....	Near Dixon, Sask.....		5
" 13904..	Nov. 10....	C.N.R.....	Toronto, near Bay St., Ont.....		2
" 13909..	Nov. 16....	W.E. & L.S	Windsor, 5¼ mi. So. and East.....	1	14
" 13952..	Nov. 25....	C.N.R.....	Neebing, Ont.....		2
" 13954..	Nov. 22....	C.P.R.....	Elbow, Sask.....		2
" 13965..	Nov. 8....	C.P.R.....	North Transcona, Man.....		1
" 13970..	Nov. 20....	C.N.R.....	Windsor Yard, Ont.....		1
				13	221

SESSIONAL PAPER No. 33

No. 8.—STATEMENT Showing Derailments Attended by Personal Injury Investigated During the Year Ending December 31, 1923.

File	Date	Railway	Place	Killed	Injured
Inv. 12505.	Dec. 22.	C.N.R.	M.P. 124, near Webster, Sask.		2
" 12521.	Dec. 16.	G.T.R.	3 miles East of Kinburn, Ont.		3
" 12540.	Jan. 2.	C.P.R.	1 mile West of Bassano, Alta.		29
" 12543.	Dec. 12.	C.P.R.	Winnipeg Terminals, Man.		1
" 12546.	Dec. 22.	G.T.R.	Jordan, Ont.		4
" 12580.	Jan. 4.	C.N.R.	St. Boniface, Man.		1
" 12589.	Dec. 22.	G.T.R.	Toronto, Ont.		1
" 12633.	Nov. 30.	C.N.R.	Loretteville, Que.		1
" 12647.	Dec. 7.	C.N.R.	M.P. 229, Togo Sub., near Bield, Man.		1
" 12648.	Jan. 26.	C.N.R.	M.P. 139, Hartney Sub., near Margaret, Man.		1
" 12649.	Jan. 15.	C.N.R.	M.P. 23, Middleton, Sub., N.S.		3
" 12655.	Dec. 17.	C.N.R.	M.P. 88, Rossburn Sub., near Birdtail, Man.		1
" 12664.	Jan. 16.	C.N.R.	M.P. 115.5, near Birch River, Man.		1
" 12678.	Jan. 11.	G.T.R.	Beeton, Ont.		1
" 12688.	Feb. 7.	C.P.R.	M.P. 25, Miniota Sub., Man.		1
" 12719.	Feb. 22.	C.N.R.	M.P. 47, near Birnie, Man.		2
" 12720.	Feb. 18.	C.P.R.	M.P. 56 $\frac{3}{4}$, Carberry Sub., Man.		1
" 12726.	Jan. 22.	C.P.R.	Stickney, N.B.	1	
" 12755.	Feb. 13.	C.N.R.	M.P. 56.5, Oba Sub., Ont.		4
" 12756.	Dec. 16.	C.N.R.	M.P. 52.4, near Vavenby, B.C.		1
" 12763.	Feb. 2.	C.N.R.	Near Kelso, Sask.		2
" 12786.	Feb. 24.	C.P.R.	Walkerville Jct., Ont.		2
" 12791.	Dec. 10.	K.V.R.	M.P. 103.5, near Chute Lake, B.C.		3
" 12816.	Mar. 12.	Q.C.R.	1 $\frac{1}{4}$ mi. W. of St. Geo. LeBeauce, Que.	3	4
" 12820.	Mar. 18.	C.P.R.	M.P. 58, Keewatin Sub., Man.		19
" 12825.	Feb. 27.	C.P.R.	Goderich, Ont.		1
" 12842.	Jan. 27.	C.N.R.	Bliss, Alta.	1	1
" 12848.	Jan. 18.	Q.C.R.	St. Joachim, Que.	1	5
" 12865.	Mar. 30.	C.N.R.	Bedford, Man.		3
" 12866.	Mar. 11.	C.N.R.	M.P. 86, Kowkash Sudv.	3	1
" 12882.	Feb. 25.	C.N.R.	Hamilton, Jct., Ont.		1
" 12896.	Mar. 4.	C.N.R.	4 poles East of Dunrankin, Ont.		1
" 12912.	April 16.	C.N.R.	3 miles East of Breslaw, Ont.		4
" 12922.	Mar. 13.	C.N.R.	Laforest, Ont.		1
" 12958.	Mar. 29.	C.N.R.	Ketchen, Sask.		1
" 12971.	Mar. 26.	C.P.R.	M.P. 85, Reston Sub., Sask.	1	1
" 13005.	April 20.	C.N.R.	M.P. 52, Maynooth Sub., Ont.		2
" 13021.	April 20.	A.C. & H.B.	2 miles North of Canyon, Ont.	1	1
" 13047.	May 16.	C.P.R.	M.P. 159, Portal Sub., Sask.		1
" 13054.	Mar. 30.	C.P.R.	Bradenbury, Sask.		1
" 13055.	Mar. 10.	C.N.R.	Star City, Sask.		2
" 13056.	May 7.	C.N.R.	Villette, Man.		1
" 13058.	April 29.	C.N.R.	Bedford, Man.		1
" 13064.	May 3.	C.N.R.	Just North of Lefroy, Ont.		1
" 13066.	April 10.	C.N.R.	M.P. 136.3, Dorion Sub., Ont.		1
" 13073.	May 3.	H.E.R.	Hull, Que.		1
" 13113.	May 18.	C.N.R.	$\frac{1}{2}$ mile east of St. Hyacinthe, Que.		1
" 13117.	June 1.	C.P.R.	M.P. 98, Neudorf Sub., Sask.		1
" 13138.	June 4.	C.P.R.	Lacasse Siding, Staynerville, Que.		1
" 13139.	June 16.	C.N.R.	Wolf Creek, Alta.		1
" 13168.	June 19.	C.N.R.	M.P. 85, St. Quentin Sub., N.B.		11
" 13208.	May 15.	P.M.R.	Wanenosh, Ont.		3
" 13254.	May 30.	C.P.R.	M.P. 2.2, Rossland Sub., B.C.		5
" 13255.	May 26.	G.N.R.	Ardley, B.C.		1
" 13256.	June 9.	C.P.R.	M.P. 6.6, Stirling Sub., Alta.		1
" 13259.	July 4.	C.P.R.	M.P. 70.3, Arborg Sub., Man.		2
" 13288.	June 23.	C.P.R.	3 miles South of St. Marys, Ont.		4
" 13315.	July 11.	C.P.R.	M.P. 76.4, Fernie Sub., B.C.		1
" 13329.	July 17.	C.N.R.	Between Malagash and Tatamagouche, Que.		1
" 13352.	Aug. 8.	C.P.R.	2 miles East of Warren, Ont.		61
" 13375.	July 19.	C.P.R.	Assiniboia Yard, Sask.		1
" 13404.	June 23.	C.N.R.	1 $\frac{1}{2}$ miles South of Powossan, Ont.		1
" 13412.	Aug. 15.	C.P.R.	M.P. 26, Lenore Sub., Man.		10
" 13435.	Aug. 25.	C.N.R.	Thamesville, Ont.		2
" 13436.	Aug. 3.	C.N.R.	West Chatham, Ont.		2
" 13446.	July 26.	M. & S.C.	Longueuil, Que., Montarville Ave.	1	
" 13473.	Aug. 6.	C.N.R.	M.P. 50, Lovett Sub, Alta.		1
" 13474.	June 18.	C.N.R.	M.P. 27.4, near Mountain Park, Alta.		1
" 13484.	Aug. 4.	C.N.R.	McLeod Junction, Alta.		2
" 13488.	Aug. 23.	C.N.R.	M.P. 52.7, Carman Sub., Man.		2

No. 8.—STATEMENT Showing Derailments Attended by Personal Injury Investigated During the Year Ending December 31, 1923.—*Concluded.*

File	Date	Railway	Place	Killed	Injured
" 13497	Aug. 30	C.N.R.	Winnipeg, Man.		1
" 13499	July 17	C.N.R.	Rainy River, Ont.		1
" 13522	Sept. 4	C.P.R.	Red Deer, Alta.		1
" 13531	Sept. 20	C.N.R.	Grand Mere Yard, Que.		1
" 13552	May 23	C.N.R.	Two miles west of Villeroy, Que.		2
" 13601	Oct. 5	C.N.R.	Lazard, Que.		1
" 13612	Oct. 4	C.P.R.	One mile west of Lachute, Que.		1
" 13621	Sept. 14	C.N.R.	Duffield, Alta.		1
" 13642	Aug. 31	C.N.R.	Seddell, B.C.		5
" 13690	Oct. 19	C.V.R.	St. Alexander, Que.		1
" 13718	Aug. 8	C.N.R.	M.P. 51, Kashabowie Sub., Ont.	1	
" 13748	Sept. 11	C.P.R.	M.P. 99, Swift Current Sub., Sask.		1
" 13756	Oct. 26	C.P.R.	M.P. 78, Kaministiquia Sub., Ont.		60
" 13779	Oct. 26	C.N.R.	Oba, Ont.		1
" 13805	Sept. 26	C.N.R.	Lucerne, B.C.		1
" 13850	Oct. 23	C.N.R.	Manville, Alta.		3
" 13892	Oct. 23	C.N.R.	Royalty Jct., P.E.I.		1
" 13910	Dec. 1	C.N.R.	Minaki, Ont.		1
				13	321

No. 9—STATEMENT Showing Highway Crossing Accidents Attended by Personal Injury Investigated During Year Ending December 31, 1923.

O.D. File	Brd. File	Date	Time	Railway	Place	K.	I.	Protection	Class of accident	Remarks
12516	32538	Dec. 7	9 00 p.m.	C.N.R.	First crossing east of St. Boswells, Sask.		1	Unp.	H. & R.	Right angle; single, carelessness, urban.
12517	26765-255	Nov. 23	10 55 a.m.	G.T.R.	Crossing 250' east of West Brantford, Ont.		1	Unp.	Ped.	Right angle; single; carelessness; urban
12518	27066-5	Nov. 22	5 38 p.m.	H.E.R.	Corner King and Victoria Ave., Hamilton		1	Unp.	Auto.	Right angle; double; buildings; carelessness; rural
12519	27318-12	Nov. 25	4 13 p.m.	L.E. & N.	Bunker Hill, Waterford, Ont.		1	Unp.	Auto.	Right angle; single; banks; carelessness; rural.
12520	27066-6	Dec. 18	11 56 a.m.	B. & H.E.	Trinity road, near Summit, Ont.		2	Unp.	Auto.	Skew; single; carelessness; rural, Provincial Highway.
12549	26727-104	Nov. 24	1 35 p.m.	C.P.R.	Hunter St., Woodstock, Ont.		1	Unp.	Auto.	Single; carelessness; urban.
12550	9437-552	Dec. 29	11 05 a.m.	G.T.R.	Egerton St., London, Ont.		1	Unp.	Auto.	Single; right angle; carelessness; urban.
12561	27073-12	Nov. 28	8 30 a.m.	K.V.R.	Vancouver Ave., Penticton, B.C.		2	Unp.	Auto.	Single; skew; carelessness; urban.
12566	26765-250	Dec. 14	3 55 p.m.	G.T.R.	Second crossing east of Port Credit, Ont.		1	Unp.	Auto.	Double; right angle; carelessness; rural.
12567	27929-11	Nov. 3	10 30 p.m.	P.M.R.	First crossing south of Mooretown, Ont.		1	Unp.	H. & R.	Single; right angle; carelessness; rural.
12570	9437-200	Dec. 23	11 30 p.m.	G.T.R.	Kennedy road, Scarboro Jct., Ont.		1	Unp.	Auto.	Double; right angle; carelessness; urban.
12571	26765-256	Dec. 7	8 30 a.m.	G.T.R.	Water St., Peterboro, Ont.	1	1	Unp.	Auto.	Single; skew; buildings; carelessness; urban.
12574	9437-619	Dec. 23	1 45 p.m.	G.T.R.	Crossing just west of Lyster, Que.		1	Unp.	H. & R.	Single; right angle; station; carelessness; rural.
12575	26727-105	Dec. 18	8 35 p.m.	C.P.R.	Crossing 2 miles west of Locust Hill, Ont.		1	Unp.	Auto.	Single; right angle; trees; carelessness; rural.
12581	9437-578	Dec. 16	11 40 p.m.	G.T.R.	First crossing north of Longford, Ont.		3	Unp.	Auto.	Single; right angle; sidings; station; rural.
12588	26765-132	Jan. 8	3 35 p.m.	G.T.R.	First crossing south of Sundridge, Ont.	1	1	Unp.	H. & R.	Single; right angle; sidings; station; carelessness; rural.
12599	29046-1	Nov. 30	5 15 a.m.	C.N.R.	Crossing 1½ miles west of Norman, Man.		2	Unp.	H. & R.	Single; right angle; embankment; carelessness; rural.
12600	26807-28	Dec. 7	1 10 a.m.	C.P.R.	Crossing 1½ miles east of Cantair, Alta.		1	Unp.	Auto.	Single; right angle; carelessness; rural.
12603	19780	Jan. 2	6 10 p.m.	C.N.R.	24th St., Saskatoon, Sask.		1	Watchman	Auto.	Single; right angle; carelessness; siding; building; urban.
12608	338	Dec. 20	7 55 p.m.	C.N.R.	Ontario St., Montreal, Que.		1	Gates	Ped.	Double; right angle; carelessness; urban.
12628	26765-251	Dec. 29	10 45 a.m.	G.T.R.	Birmingham St., Stratford, Ont.	1		Unp.	Auto.	Double; right angle; carelessness; urban.
12629	26765-138	Jan. 2	11 25 a.m.	G.T.R.	Kent St., Lindsay, Ont.		2	Unp.	Auto.	Single; right angle; buildings; carelessness; urban.
12637	23397	Jan. 5	1 50 p.m.	C.N.R.	129th Ave., North Edmonton, Alta.		2	Unp.	Auto.	Single; skew; carelessness; urban.
12652	9437-1007	Jan. 3	9 25 a.m.	G.T.R.	Wilson St., Woodstock, Ont.		3	Bell	Auto.	Double; right angle; carelessness; building; urban.
12669	26726-106	Jan. 22	6 30 p.m.	C.P.R.	First crossing west of Keewatin, Ont.	1		Unp.	Ped.	Double; right angle; carelessness; rural.
12696	26711-57	Jan. 29	1 58 p.m.	C.N.R.	Crossing 2 miles north of Sudbury Jct., Ont.	1		Unp.	H. & R.	Single; right angle; embankment; carelessness; rural.
12680	9437-753	Dec. 28	2 25 a.m.	G.T.R.	Queen St., Toronto, Ont.		1	Gates	H. & R.	Double; right angle; carelessness; urban.
12686	9437-77	Nov. 26	11 40 p.m.	P.M.R.	Road crossing at Iona Stn., Ont.		2	Bell	Auto.	Single; right angle; station; carelessness; rural.
12692	22573	Jan. 6	8 40 a.m.	G.T.R.	Berkeley St., Toronto Esplanade, Ont.		1	Unp.	H. & R.	Double; right angle; siding; carelessness; urban.
12699	9437-914	Feb. 9	12 20 a.m.	C.P.R.	Crossing just west of Chesterville, Ont.		1	Bell	Ped.	Double; right angle; buildings; rural.
12704	27156-45	Dec. 20	10 40 p.m.	C.P.R.	Crown St., Quebec, Que.		1	Gates	Ped.	Single; right angle; carelessness; urban.
12739	27652-25	Feb. 16	8 20 a.m.	C.N.R.	Des Erables St., Ville St. Pierre, Que.		1	Unp.	Ped.	Single; right angle; carelessness; rural.
12760	26727-107	Feb. 6	2 40 p.m.	C.P.R.	Crossing east of Innerkip, Ont.		1	Unp.	Ped.	Single; right angle; trees; station; carelessness; rural.
12761	30982	Feb. 25	4 25 p.m.	C.N.R.	Kingsbury Ave., New Toronto, Ont.		1	Unp.	Ped.	Double; right angle; carelessness; rural.
12767	2100-71	Jan. 30	1 45 p.m.	C.P.R.	Needham St., Lindsay, Ont.		1	Unp.	H. & R.	Single; right angle; embankment; snow fences; carelessness; urban.
12769	27401-17	Dec. 12	2 35 p.m.	C.P.R.	Protection St., West St. John, N.B.		1	Unp.	Motor	Single; right angle; care; sidings; buildings; urban.
12774	2740-16	Feb. 20	4 40 p.m.	C.P.R.	Acadia St., West St. John, N.B.	1		Unp.	H. & R.	Single; right angle; carelessness; buildings; urban.
12775	27218-9	Dec. 5	8 30 p.m.	C.N.R.	Road crossing at Liverpool Station, N.B.		1	Unp.	Auto.	Single; right angle; station; siding; buildings; urban.

No. 9—STATEMENT Showing Highway Crossing Accidents Attended by Personal Injury Investigated During Year Ending December 31, 1923.—Continued.

O.D. File	Brd. File	Date	Time	Railway	Place	K.	I.	Protec- tion	Class of accident	Remarks
12777	9437-959	Feb. 20	7.21 a.m.	G.T.R.	Crossing west of St. Hilaire, Que.	.....	1	Unp.	Ped.	Double; right angle; station; buildings; siding; carelessness; rural.
12803	27156-47	Mar. 4	11.15 a.m.	H.E.R.	Aylmer road, Hull, Que.	.....	3	Unp.	Auto.	Single; right angle; carelessness; urban.
12824	26727-54	Feb. 23	1.55 p.m.	C.P.R.	Howard Ave., Windsor, Ont.	.....	1	Unp.	Auto.	Single; skew; carelessness; siding; urban.
12829	5027	Mar. 1	5.49 p.m.	M.C.R.	King St., Hagersville, Ont.	1	.....	Gates	Ped.	Double; right angle; carelessness; rural.
12849	253	Mar. 5	7.15 a.m.	G.T.R.	Main St., Caledonia, Ont.	.....	1	Gates	Auto.	Single; right angle; carelessness; rural.
12859	26765-258	Mar. 24	12.44 p.m.	C.N.R.	Town Line, Plymton, Ont.	1	2	Watchm'n	Auto.	Single; right angle; carelessness; rural.
12860	9437-178	Mar. 22	4.01 a.m.	C.N.R.	First crossing west of Port Credit station, Ont.	1	.....	Watchm'n	Ped.	Double; right angle; siding; station; carelessness; rural.
12861	9437-1317	Mar. 13	4.25 p.m.	C.N.R.	First crossing west of Weston, Ont.	2	.....	Bell	Auto.	Single; right angle; banks; carelessness; rural.
12864	27156-68	Feb. 13	5.10 p.m.	C.P.R.	First crossing west of St. Lin, Que.	.....	1	Unp.	H. & R.	Single; right angle; station; carelessness; rural.
12903	3701-397	Mar. 16	2.30 p.m.	C.P.R.	First crossing east of Lonsdale station, Ont.	.....	1	Unp.	H. & R.	Single; right angle; station; carelessness; rural.
12917	26765-259	Mar. 21	8.10 p.m.	C.N.R.	First crossing west of M.C.R. diamond, Welland, Ont.	.....	1	Unp.	H. & R.	Single; right angle; carelessness; urban.
12920	27929-12	Mar. 19	7.50 p.m.	P.M.R.	Road crossing at Darrell, Ont.	.....	1	Unp.	Ped.	Single; right angle; carelessness; rural.
12921	26842-35	April 1	11.55 a.m.	M.C.R.	First crossing east of Tilburn, Ont.	.....	2	Gates	H. & R.	Double; right angle; carelessness; urban.
12923	27073-13	Mar. 2	1.25 p.m.	E. & N.	Newcastle St., Nanaimo, B.C.	.....	1	Unp.	Ped.	Single; right angle; scrub; carelessness; urban.
12932	26727-111	Mar. 24	11.55 a.m.	C.P.R.	First crossing east of Bar River station, Ont.	.....	3	Unp.	H. & R.	Single; right angle; carelessness; rural.
12938	27073-14	Mar. 28	9.15 a.m.	C.P.R.	Crossing 1 mile east of Hammond, B.C.	.....	2	Unp.	Motor	Double; right angle; carelessness; rural.
12942	30051-1	Feb. 11	10.50 a.m.	B.C.E.	First crossing east of Lulu Island, B.C.	.....	1	Unp.	Auto.	Single; right angle; carelessness; rural.
12950	9437-1306	April 10	9.30 a.m.	C.N.R.	Drouillard road, Fort City, Ont.	1	.....	Unp.	Ped.	Double; right angle; carelessness; siding; buildings; urban.
12951	27811-16	Mar. 29	8.00 a.m.	C.P.R.	Emerson St., Calgary, Alta.	1	1	Unp	Auto.	Single; right angle; carelessness; siding; buildings; urban.
12969	9437-647	April 4	9.05 a.m.	C.N.R.	St. Remi St., Montreal, Que.	.....	1	Gates	Ped.	Double; right angle; carelessness; urban.
12973	31720	April 12	8.00 a.m.	C.N.R.	Third crossing west of St. Louis station, Que.	1	.....	Unp.	Auto.	Single; right angle; carelessness; rural.
12974	19267	April 6	10.10 p.m.	C.N.R.	Rectory St., London, Ont.	.....	3	Gates	Auto.	Double; right angle; sidings; urban.
12975	9437-1201	April 12	11.40 a.m.	C.P.R.	Notre Dame Ave., Winnipeg, Man.	.....	2	Unp.	Auto.	Single; right angle; carelessness; urban.
12990	26765-71	April 20	11.36 a.m.	C.N.R.	Lancaster St., Kitchener, Ont.	1	1	Unp.	Ped.	Right angle; single; sidings; carelessness; urban.
12991	26727-112	April 21	1.40 p.m.	C.P.R.	Second crossing east of Milton station, Ont.	.....	1	Unp.	H. & R.	Double; right angle; sidings; carelessness; rural.
12996	27202	April 16	2.30 p.m.	C.N.R.	Road near Cooking Lake, Alta.	.....	1	Unp.	H. & R.	Single; right angle; carelessness; rural.
12999	27811-24	April 6	10.07 a.m.	C.P.R.	First crossing north of Blackie, Alta.	.....	1	Unp.	H. & R.	Single; right angle; carelessness; rural.
13008	9437-1223	April 21	3.08 p.m.	C.N.R.	Old Toll road, Brantford, Ont.	.....	6	Unp.	Auto	Double; right angle; carelessness; rural.
13012	9437-210	May 1	8.36 a.m.	C.N.R.	First crossing south of Concord Stn., Ont.	.....	1	Bell	Auto.	Single; right angle; carelessness; station; rural.
13015	3498-34	April 30	1.46 p.m.	N.St.C.&T.	4th Ave., crossing, Niagara Falls, Ont.	.....	2	Bell	Auto.	Single; right angle; carelessness; urban.
13037	9437-603	May 3	5.29 a.m.	M.C.R.	Moore St., St. Thomas, Ont.	1	.....	Bell	Auto.	Double; right angle; carelessness; urban.
13042	26727-113	April 28	9.46 a.m.	C.P.R.	Crossing 3 miles west of Whitby, Ont.	.....	1	Unp.	Auto.	Single; right angle; carelessness; rural.
13053	26765-261	May 11	4.36 p.m.	C.N.R.	First crossing east of Greenfield, Ont.	.....	1	Unp.	Auto.	Single; right angle; station; trees; buildings; rural.
13059	26727-114	May. 9	5.50 p.m.	C.P.R.	Crossing 1½ miles from Wingham, Ont.	1	.....	Unp.	Auto.	Single; skew; carelessness; rural.
13062	3701-80	May 8	3.55 p.m.	C.P.R.	Crossing 2 miles east of Port Hope, Ont.	.....	1	Unp.	Auto.	Single; skew; trees; carelessness; urban.
13065	26765-260	May 5	6.02 p.m.	C.N.R.	Featherstone crossing, Thamesville, Ont.	1	1	Unp.	Auto.	Double; skew; carelessness; rural.
13077	26782-5	May 14	4.25 p.m.	C.N.R.	Bourbonniere St., Montreal, Que.	.....	1	Unp.	Ped.	Single; right angle; siding; buildings; carelessness; urban.
13078	26727-14	May 21	3.11 p.m.	C.P.R.	First crossing east of Merrickville, Ont.	1	.....	Unp.	Ped.	Double; right angle; station; buildings; carelessness; rural.
13107	27073-5	April 3	10.33 a.m.	C.N.R.	Cumberland St., New Westminster, B.C.	.....	1	Unp.	Auto.	Single; right angle; carelessness; urban.
13111	26727-115	May 22	11.50 a.m.	C.P.R.	Crossing 1 mile west of Hungerford, Ont.	.....	1	Unp.	H. & R.	Single; skew; carelessness; rural.

No. 9—STATEMENT Showing Highway Crossings Accidents Attended by Personal Injury Investigated During Year Ending December 31, 1923.—Continued.

O.D. File	Brd. File	Date	Time	Railway	Place	K.	I.	Protection	Class of accident	Remarks
13125	9437-18	June 11	2.00p.m.	C.N.R.	Bath road, crossing, Collins Bay, Ont.	1	...	Bell	H. & R.	Single; right angle; carelessness; rural.
13147	3701-398	June 17	9.20 a.m.	C.P.R.	First crossing west of Lonsdale, Ont.	...	1	Unp.	H. & R.	Single; right angle; carelessness; rural.
13163	18402-73	May 14	9.20 a.m.	C.N.R.	Old Government road, North Bay, Ont.	...	1	Unp.	H. & R.	Single; skew; carelessness; rural.
13172	9437-860	April 25	11.55 p.m.	C.N.R.	Sherman Ave., Hamilton, Ont.	1	3	Gates	Auto.	Double; right angle; carelessness; urban.
13173	27802-9	June 19	12.00 p.m.	T.H. & B.	Gage Ave., Hamilton, Ont.	...	1	Unp.	Ped.	Single; right angle; carelessness; urban.
13177	386	June 16	7.18 a.m.	C.P.R.	Portage Ave., Winnipeg, Man.	...	1	Unp.	Auto.	Single; right angle; carelessness; urban.
13181	26765-263	June 22	6.30 p.m.	C.N.R.	Baywater Ave., Ottawa, Ont.	1	1	Unp.	Auto.	Single; right angle; carelessness; urban.
13191	9437-872	May 15	8.13 p.m.	C.N.R.	Crossing just east of Transcona, Man.	...	1	Unp.	H. & R.	Single; right angle; carelessness; rural.
13197	9437-970	June 15	6.40 a.m.	C.N.R.	Crossing at Varney station, Ont.	1	1	Unp.	Auto.	Single; right angle; buildings; trees; carelessness; rural.
13198	28706-18	May 29	6.55 p.m.	C.N.R.	Crossing 7 miles east of Eckville, Alta.	...	1	Unp.	Auto.	Single; right angle; trees; scrub; carelessness; rural.
13199	26765-262	May 9	3.40 p.m.	C.N.R.	Fort St., Point Edward, Ont.	...	1	Unp.	Auto.	Single; right angle; buildings; carelessness; rural.
13200	9437-345	June 14	2.25 p.m.	C.N.R.	Crossing ½ mile south of Palmerston, Ont.	...	3	Unp.	H. & R.	Single; right angle; carelessness; rural.
13201	27811-25	June 19	7.00 p.m.	C.P.R.	Third crossing north of Midnapore, Alta.	...	2	Unp.	Auto.	Single; right angle; embankment; carelessness; rural.
13234	9437-655	May 25	11.27 a.m.	C.N.R.	Talbot road, Canfield, Ont.	1	...	Unp.	Ped.	Single; right angle; trees; station; carelessness; rural.
13235	27066-7	June 24	11.11 a.m.	H.R.E.	Highway crossing at Bronte, Ont.	1	...	Unp.	Mot. Cy.	Single; right angle; carelessness; urban.
13236	27066-8	May 15	9.00 a.m.	H.R.E.	Brant St., Burlington, Ont.	...	1	Unp.	Auto.	Single; right angle; station; carelessness; rural.
13237	18759	July 2	9.10 a.m.	C.N.R.	Bloor St., Toronto, Ont.	...	1	Watchm'n	Auto.	Single; right angle; carelessness; urban.
13238	27066-7	May 9	7.12 p.m.	H.R.E.	Highway crossing at Bronte, Ont.	...	1	Unp.	Auto.	Single; right angle; carelessness; urban.
13263	9437-639	May 20	3.35 a.m.	C.N.R.	Logan Ave., Toronto, Ont.	...	1	Gates	H. & R.	Double; right angle; urban.
13268	C-2581	July 5	9.45 a.m.	C.N.R.	Cannifton road, Belleville, Ont.	...	1	Bell	H. & R.	Double; skew; carelessness; urban.
13274	27231-8	June 30	12.50 p.m.	N.St.C.&T.	Dainsville crossing, Welland, Ont.	...	1	Unp.	Motor	Single; right angle; carelessness; rural.
13276	26765-127	June 30	5.15 p.m.	N.St.C.&T.	Page St., St. Catharines, Ont.	...	1	Unp.	Auto.	Single; right angle; carelessness; urban.
13278	1162-5	July 2	...	C.P.R.	Crossing 3 miles west of Megantic, Que.	...	1	Unp.	H. & R.	Single; right angle; carelessness; urban.
13280	16419-33	June 17	2.00 p.m.	C.N.R.	St. Claire crossing, Loretteville, Que.	...	1	Unp.	Ped.	Single; right angle; trees; carelessness; urban.
13283	26711-61	July 13	2.36 p.m.	C.N.R.	First crossing west of Wanstead, Ont.	...	1	Unp.	H. & R.	Double; right angle; carelessness; urban.
13285	26744-32	June 21	2.30 p.m.	C.N.R.	Crossing in Roblin Yard, Man.	...	1	Unp.	Auto.	Single; right angle; carelessness; rural.
13287	9437-147	June 30	7.52 a.m.	C.N.R.	First crossing east of Beachville, Ont.	...	1	Bell	H. & R.	Double; right angle; carelessness; rural.
13289	26711-59	June 28	11.25 a.m.	C.N.R.	Waterloo road, Guelph, Ont.	1	...	Unp.	Auto.	Single; right angle; trees; carelessness; rural.
13290	26765-36	June 11	6.50 p.m.	C.N.R.	First crossing east of Stevensville, Ont.	...	1	Unp.	H. & R.	Single; right angle; carelessness; urban.
13294	26765-19	July 7	6.15 a.m.	C.N.R.	First crossing east of Weston, Ont.	...	1	Bell	Ped.	Single; right angle; carelessness; rural.
13295	26711-62	July 6	12.40 p.m.	C.N.R.	Elora road, Guelph, Ont.	...	1	Unp.	Auto.	Single; right angle; carelessness; urban.
13303	20914	July 5	5.15 p.m.	C.P.R.	First crossing north of Estevan, Sask.	...	1	Unp.	Auto.	Single; right angle; carelessness; rural.
13304	9437-932	July 15	10.10 a.m.	C.N.R.	First crossing west of Vineland, Ont.	...	3	Bell	Auto.	Single; right angle; carelessness; rural.
13308	26727-119	June 20	8.35 a.m.	C.P.R.	Second crossing south of Emery station, Ont.	...	3	Unp.	Auto.	Single; right angle; rural.
13309	1558-3	June 23	8.00 p.m.	C.N.R.	Church St., Parry Sound, Ont.	...	1	Unp.	Auto.	Single; skew; trees; carelessness; urban.
13311	9437-1043	July 21	8.17 a.m.	C.N.R.	Crossing 2 miles east of Scarboro Jct., Ont.	...	1	Unp.	Auto.	Double; skew; buildings; trees; carelessness; rural.
13322	26782-27	June 23	6.38 p.m.	C.N.R.	First crossing west of L'Orignal, Que.	...	2	Unp.	Auto.	Single; right angle; station; buildings; carelessness; rural.
13336	9437-84	July 16	6.35 p.m.	C.N.R.	Crossing 1 mile west of Georgetown, Ont.	1	1	Unp.	Auto.	Single; right angle; trees; carelessness; rural.
13340	26765-171	Aug. 1	8.55 a.m.	C.N.R.	First crossing east of Cornwall, Ont.	...	4	Unp.	Auto.	Double; right angle; rural.
13341	26765-264	July 2	8.45 a.m.	C.N.R.	First crossing east of Wales, Ont.	...	1	Unp.	Steam roller	Double; right angle; station; siding; buildings carelessness; rural.

No. 9—STATEMENT Showing Highway Crossings Accidents Attended by Personal Injury Investigated During Year Ending December 31, 1923.—Continued.

O.D. File	Brd. File	Date	Time	Railway	Place	K.	I.	Pratection	Elass of accident	Remarks
13342	26765	July 17	9 58 a.m.	C.N.R.	First crossing west of Bronte, Ont.	2	...	Unp.	Auto.	Double; right angle; station; rural.
13343	27365-21	July 4	2 45 p.m.	C.P.R.	Crossing at Lots 77 and 78, St. Andrews, Man.	1	1	Unp.	Auto.	Single; right angle; carelessness; rural.
13346	27156-44	July 9	10 45 a.m.	C.P.R.	Missisquoi road, Iberville, Que.	1	...	Bell	H. & R.	Single; right angle; carelessness; rural.
13347	26711-63	July 30	6 55 a.m.	C.N.R.	Second crossing west of Oakville, Ont.	...	1	Unp.	Auto	Double; right angle; clay embankment rural.
13349	19267	July 20	6 20 p.m.	C.N.R.	Rectory St., London, Ont.	...	1	Gates	Ped.	Double; right angle; (went under gates); carelessness; urban.
13350	26842-11	July 26	6 45 p.m.	M.C.R.	Crossing 2½ miles east of Welland, Ont.	...	2	Unp.	Auto.	Double; right angle; carelessness; rural.
13354	9437-217	July 25	6 18 p.m.	C.N.R.	Crossing 1 mile south of Beeton, Ont.	...	2	Unp.	Auto.	Single; right angle; carelessness; rural.
13355	26711-65	June 23	11 50 p.m.	C.N.R.	First crossing south of Allandale, Ont.	...	1	Unp.	Auto.	Single; right angle; carelessness; rural.
13356	26711-64	Aug. 4	1 45 p.m.	C.N.R.	First crossing, south of Elmvale, Ont.	...	4	Unp.	Auto.	Double; right angle; trees; carelessness; rural.
13357	9437-214	June 23	6 30 a.m.	C.N.R.	Crossing north of New Market, Ont.	...	1	Unp.	H. & R.	Single; right angle; buildings; rural.
13358	9437-841	July 31	3 10 p.m.	C.P.R.	Wilson St., Perth, Ont.	...	1	Bell	Auto.	Single; right angle; trees; brushes; urban.
13359	26765-266	July 30	10 40 a.m.	C.N.R.	Side Road, Newtonville, Ont.	...	2	Unp.	Auto.	Double; siding with cars on; rural.
13360	3672	July 12	2 00 p.m.	C.P.R.	Main St., Oxbow, Ont.	...	1	Unp.	Auto.	Double; siding; carelessness; urban.
13361	26727-120	July 31	1 15 p.m.	C.P.R.	Summerhill Ave., North Toronto, Ont.	...	1	Unp.	Auto.	Double; right angle; siding; buildings; care; urban.
13368	9437-756	Aug. 7	11 50 a.m.	C.N.R.	Flora St., St. Thomas, Ont.	...	1	Unp.	H. & R.	Double; right angle; siding; buildings; care; urban.
13370	2711-66	Aug. 7	10 00 a.m.	C.N.R.	Crossing ¼ mile north of Palgrave, Ont.	...	1	Unp.	Auto.	Single; skew, embankment care; rural.
13380	9437-218	Aug. 12	10 13 p.m.	C.N.R.	First crossing south of Bradford, Ont.	1	1	Unp.	H. & R.	Single; right angle; buildings; carelessness; rural.
13396	26765-49	July 16	7 50 p.m.	C.N.R.	Hespeler Road, Galt, Ont.	1	1	Unp.	Auto.	Single; right angle; trees; fence; rural.
13399	9437-833	Aug. 20	8 03 a.m.	C.N.R.	Richmond Road, Graham's Bay, Ont.	...	1	Unp.	Auto.	Single; right angle; trees; bill board; care; rural.
13408	26744-2	July 23	2 30 p.m.	C.N.R.	Crossing east of Cardinal, Ont.	...	1	Unp.	Auto.	Single; right angle; trees; carelessness; rural.
13423	1017-1	Aug. 11	6 55 p.m.	C.P.R.	Main St., Almonte, Ont.	1	...	Bell	H. & R.	Single; right angle; trees; carelessness; rural.
13425	9437-584	Aug. 4	11 12 a.m.	C.P.R.	Beaubien St., Montreal, Que.	1	...	Gates	Auto.	Single; right angle; trees; carelessness; urban.
13426	27156-69	Aug. 7	8 07 a.m.	C.P.R.	Crossing 3 miles south of St. Hyacinthe, Que.	1	...	Gates	Ped	Single; right angle; carelessness; rural.
13427	11779	July 18	6 42 p.m.	C.N.R.	Richmond St., Montreal, Que.	...	2	Unp.	H. & R.	Double; right angle; buildings; carelessness; urban.
13431	27073-15	July 15	3 35 p.m.	C.P.R.	8th Ave., Kamloops, B.C.	...	3	Unp.	Auto.	Single; right angle; building; carelessness; urban.
13442	30213-3	June 22	5 55 p.m.	C.N.R.	Crossing near Colwood, B.C.	...	1	Unp.	Auto.	Single; right angle; trees; carelessness; urban.
13444	15725	July 20	6 14 p.m.	C.P.R.	Horne Ave., Mission, B.C.	...	2	Bell	Auto.	Double; right angle; trees; carelessness; urban.
13457	15836-4	Aug. 16	1 40 p.m.	C.N.R.	Chambly St., Montreal, Que.	...	1	Gates	Ped.	Double; right angle; carelessness; urban.
13462	30424-41	July 28	3 20 p.m.	L. & P.S.	Crossing at Stop 22, Port Stanley, Ont.	...	2	Bell	Auto.	Skew; right angle; carelessness; rural.
13468	31761	Aug. 16	12 42 p.m.	C.N.R.	Parent Road, Ford City, Ont.	...	1	Unp.	Auto.	Single; right angle; siding; carelessness; urban.
13470	28116-2	Aug. 10	4 47 p.m.	C.N.R.	Talbot St., Maidstone, Ont.	...	1	Unp.	Auto.	Single; skew; carelessness; urban.
13475	27073	July 17	8 45 a.m.	E. & N.	Lampton St., Esquimalt Municipality, B.C.	...	1	Bell	Auto.	Single; right angle; siding; carelessness; urban.
13490	9437-735	Aug. 23	6 00 a.m.	C.N.R.	First crossing west of Burlington, Ont.	...	1	Bell	Auto.	Double; right angle; buildings; urban.
13491	29373-1	Sept. 17	10 50 p.m.	C.N.R.	Beaumont road, Quebec, Que.	...	1	Gates	Mot. cy.	Single; right angle; carelessness; urban.
13496	27365-22	Aug. 22	10 50 a.m.	C.P.R.	Arlington St., Winnipeg, Man.	...	1	Unp.	Auto.	Single; right angle; urban.
13502	27066-9	Sept. 1	8 20 a.m.	H.R.E.	Beach road, Hamilton Beach, Ont.	...	1	Unp.	Auto.	Single; right angle; carelessness; rural.
13503	9437-1246	Sept. 4	8 30 a.m.	B. & H.E.	Crossing at Station 7, Ancaster, Ont.	...	1	Unp.	H. & R.	Double; right angle; siding; carelessness; urban.
13504	20138	Aug. 23	9 00 a.m.	T.H. & B.	Ferguson Ave., south, Hamilton, Ont.	...	1	Unp.	H. & R.	Double; right angle; siding; carelessness; urban.
13517	26765-193	Aug. 1	6 15 p.m.	C.N.R.	Centre St., Campbellford, Ont.	...	3	Unp.	Auto.	Single; right angle; carelessness; rural.
13519	26722-41	Aug. 13	1 32 p.m.	C.P.R.	Crossing ¼ mile west of Colborne, Ont.	...	1	Unp.	Ped.	Double; right angle; carelessness; urban.
13520	26842-39	Sept. 10	5 25 p.m.	M.C.R.	Castlereigh St., Niagara-on-Lake, Ont.	...	1	Unp.	Motor	Single; right angle; carelessness; buildings; urban.
13523	26782-29	Sept. 31	12 20 p.m.	C.N.R.	Ste. Anne St., Daveluyville, Que.	1	...	Unp.	Ped.	Single; right angle; carelessness; rural.
13524	26782-30	July 26	6 55 a.m.	C.N.R.	Tache crossing, Chicoutimi, Que.	...	1	Unp.	Auto.	Single; right angle; carelessness; rural.
13527	26711-67	Aug. 13	3 55 p.m.	C.N.R.	Crossing at M.P. 42-8, Westport, Ont.	1	1	Unp.	Auto.	Double; right angle; siding; carelessness; rural.
13528	26765-39	Sept. 17	3 23 p.m.	C.N.R.	First crossing west of Winona, Ont.	1	1	Unp.	Auto.	Double; right angle; siding; carelessness; rural.

No. 9—STATEMENT Showing Highway Crossing Accidents Attended by Personal Injury Investigated During Year Ending December 31, 1923.—Continued.

O.D. File	Brd. File	Date	Time	Railway	Place	K.	L.	Protection	Class of accident	Remarks
13536	26807-30	July 28	3 35 p.m.	C.P.R.	Avenue "E", Saskatoon, Sask.		1	Unp.	Auto.	Single; right angle; buildings; carelessness; urban.
13537	22657	July 30	2 00 a.m.	C.N.R.	Yard crossing, Humboldt, Sask.		1	Unp.	Auto.	Single; right angle; carelessness; urban.
13538	9437-170	Sept. 20	8 50 a.m.	C.N.R.	First crossing west, Oakville, Ont.		1	Bell	Auto.	Double; right angle; carelessness; rural.
13544	27420	Sept. 5	10 45 a.m.	C.N.R.	Dawson road, Winnipeg, Man.		1	Unp.	H. & R.	Single; right angle; carelessness; urban.
13546	27467-34	July 28	10 20 a.m.	C.N.R.	Crossing near Duro, Sask.		1	Unp.	Auto.	Single; right angle; carelessness; rural.
13557	27156-70	Sept. 12	8 03 a.m.	C.P.R.	St. Pierre road, St. Constant, Que.		2	Unp.	H. & R.	Double; right angle; siding; carelessness; rural.
13574	9437-837	Sept. 6	10 40 a.m.	C.N.R.	Crossing east of Lynden, Ont.	1	1	Bell	H. & R.	Single; right angle; carelessness; rural.
13582	26744-34	Sept. 19	8 35 p.m.	C.N.R.	First crossing west of Beach Jet., Man.		1	Unp.	Auto.	Single; right angle; carelessness; rural.
13585	9437-1054	Sept. 10	10 50 p.m.	C.P.R.	First crossing 1 mile from Britannia, Ont.		1	Bell	H. & R.	Single; right angle; carelessness; rural.
13587	26782-31	Sept. 8	8 25 p.m.	C.N.R.	First crossing east of Glenada, Que.		3	Unp.	Auto.	Single; right angle; urban.
13588	9437-1012	Sept. 22	9 55 a.m.	C.P.R.	Crossing at M.P. 9, Le Cap, Que.		6	Bell	Auto.	Single; skew; buildings; rural.
13591	26744-33	Aug. 15	12 10 p.m.	C.N.R.	Crossing south of So. Switch, Manlius, Man.		1	Unp.	Auto.	Single; right angle; carelessness; rural.
13592	9437-1014	Aug. 14	8 15 a.m.	C.N.R.	Barretts Crossing, Port Hope, Ont.		1	Unp.	Auto.	Single; right angle; siding; urban.
13594	26324	Sept. 3	12 00 p.m.	C.N.R.	May St., Port Arthur, Ont.		1	Unp.	Auto.	Double; right angle; carelessness; urban.
13596	26782-32	Sept. 25	9 55 p.m.	C.P.R.	First crossing east of St. Paulin, Que.		2	Unp.	Auto.	Single; right angle; buildings; urban.
13597	26727-121	Aug. 13	6 10 p.m.	C.P.R.	2nd Ave., Port Arthur, Ont.		1	Unp.	Bike.	Double; right angle; carelessness; urban.
13599	26727-122	Sept. 21	2 45 a.m.	C.P.R.	First crossing east of Castleford, Ont.	2	1	Unp.	Auto.	Single; right angle; buildings; carelessness; rural.
13600	30322	Sept. 26	5 45 a.m.	C.N.R.	1st Ave., Lachine, Que.	1		Bell	Ped.	Double; right angle; carelessness; urban.
13603	12243	Oct. 2	5 30 p.m.	C.N.R.	Atwater Ave., Montreal, Que.		1	Gates	Ped.	Double; right angle; carelessness; urban.
13609	26711-68	Sept. 24	5 12 p.m.	C.N.R.	King St., Port Colborne, Ont.		4	Unp.	Auto.	Single; right angle; carelessness; urban.
13619	9437-239	Sept. 17	10 18 a.m.	C.N.R.	Crossing 1 mile west of Manilla Jet., Ont.		3	Unp.	Auto.	Single; right angle; carelessness; urban.
13633	9437-211	Sept. 21	2 44 p.m.	C.N.R.	Base Line crossing, Whitby Jet., Ont.		1	Unp.	Auto.	Single; right angle; trees; rural.
13638	9437-923	Sept. 29	5 15 p.m.	C.N.R.	William St., London, Ont.		2	Wat'n	Auto.	Double; skew; carelessness; rural.
13641	17038	Sept. 20	11 57 a.m.	C.P.R.	Drew St., Woodstock, Ont.		1	Unp.	Auto.	Double; right angle; carelessness; urban.
13655	22333-20	Oct. 1	3 05 p.m.	C.N.R.	Dods Ave., West Toronto, Ont.		1	Unp.	Auto.	Double; right angle; siding; carelessness; urban.
13656	27318-13	Sept. 22	1 15 p.m.	L.E. & N.	Dundurn road, Dundurn, Ont.		1	Unp.	Auto.	Single; right angle; spur; carelessness; urban.
13666	31946-2	Sept. 30	12 05 p.m.	C.N.R.	Veilleux road, Ste. Marie de Beauce, Que.	1	2	Unp.	Auto.	Single; skew; carelessness; rural.
13670	27218-10	July 20	4 25 p.m.	C.N.R.	Kenupt St., New Glasgow, N.S.	2	1	Unp.	H. & R.	Single; right angle; buildings; rural.
13673	26807-31	Sept. 5	10 50 a.m.	C.P.R.	Third crossing east of Senlac, Sask.			Bell	Auto.	Single; right angle; buildings; carelessness; urban.
13674	29639	Sept. 22	8 30 p.m.	A.C.R.	Huron St., Sault Ste. Marie, Ont.		5	Unp.	Auto.	Single; right angle; carelessness; rural.
13680	27467-35	Sept. 9	5 49 p.m.	C.N.R.	Lorne Ave., Saskatoon, Sask.		1	Unp.	Auto.	Single; right angle; carelessness; urban.
13682	26765-267	Oct. 6	4 55 p.m.	C.N.R.	Ingersoll Ave., North Woodstock, Ont.		1	Bell	Auto.	Single; right angle; carelessness; rural.
13683	9437-1083	Oct. 11	1 40 a.m.	C.P.R.	Brook road, Puslick, Ont.		4	Bell	Auto.	Single; right angle; buildings; carelessness; urban.
13692	26727-124	Oct. 20	2 25 p.m.	C.P.R.	Wellington St., Brampton, Ont.		1	Unp.	Auto.	Single; right angle; siding; carelessness; urban.
13693	26765-25	Oct. 6	10 55 a.m.	C.N.R.	Second crossing east of Casselman, Ont.		2	Bell	Auto.	Single; right angle; siding; carelessness; rural.
13694	26782-34	Oct. 18	6 05 p.m.	C.N.R.	Standard line crossing, L'Assomption, Que.	1	3	Unp.	Auto.	Single; right angle; siding; buildings; rural.
13695	3107	Oct. 15	7 00 p.m.	C.N.R.	Atwater Ave., Montreal, Que.		3	Unp.	Auto.	Single; skew; carelessness; rural.
13697	14001	Oct. 13	7 24 a.m.	C.N.R.	Canning St., Montreal, Que.		1	Unp.	Auto.	Single; right angle; urban.
13703	26786-7	Sept. 25	2 45 p.m.	C.N.R.	Crossing west of Cereal Station, Alta.	1	1	Gates	Peds.	Double; right angle; carelessness; urban.
13705	27156-66	Oct. 9	12 45 a.m.	C.P.R.	First crossing west of St. Vincent de Paul, Que.	1	1	Unp.	H. & R.	Single; right angle; buildings; carelessness; urban.
13706	9455-66	Sept. 11	5 07 p.m.	C.P.R.	Kipp St., Nobleford, Alta.		1	Unp.	Ped.	Single; right angle; high grounds; care; rural.
13719	26711-72	Oct. 6	11 34 a.m.	C.N.R.	Crossing 1½ mile south of Wellington, Ont.		1	Unp.	Auto.	Single; right angle; rural.
13720	26765-242	Oct. 27	12 35 a.m.	C.N.R.	Booth St., Ottawa, Ont.		1	Unp.	Auto.	Single; right angle; carelessness; urban.
13731	9437-201	Sept. 27	3 15 p.m.	C.N.R.	Crossing east of Mallorytown, Ont.		2	Wat'n	Auto.	Double; right angle; carelessness; rural.
13741	9437-159	Oct. 8	8 30 a.m.	T.H. & B.	Catherine St., south, Hamilton, Ont.		1	Bell	H. & R.	Double; right angle; carelessness; urban.
13746	28300-3	July 26	4 44 p.m.	D.A.R.	Crossing west of Three Mile Plains, N.S.	1		Unp.	Ped.	Single; skew; carelessness; rural.

No. 9—STATEMENT Showing Highway Crossing Accidents Attended by Personal Injury Investigated During Year Ending December 31, 1923—Concluded.

O.D. File	Brd. File	Date	Time	Railway	Place	K.	I.	Protection	Class of accident	Remarks
13757	26711-70	Oct. 27	6.32 a.m.	C.N.R.	Montreuil road, Ford City, Ont.....	....	2	Unp.	Auto.	Double; right angle; sidings; buildings, care; urban.
13760	17814	Oct. 29	9.30 a.m.	C.N.R.	St. Phillips St., Montreal, Que.....	....	1	Gates	Ped.	Single; right angle; carelessness; urban.
13761	27156-55	Oct. 28	7.57 p.m.	C.P.R.	First crossing south of Delson, Que.....	....	1	Unp.	Auto.	Double; right angle; trees; carelessness; rural.
13769	27811-27	Oct. 18	12.15 p.m.	C.P.R.	First crossing east of Bawlf Station, Alta.....	....	2	Unp.	Auto.	Single; right angle; trees; carelessness; rural.
13770	26711-58	Oct. 25	4.08 p.m.	C.N.R.	Langstaff Road, Thornlea, Ont.....	1	2	Unp.	Auto.	Single; right angle; carelessness; rural.
13771	26765-268	Oct. 26	1.40 p.m.	C.N.R.	London road, Sarnia, Ont.....	....	2	Unp.	Auto.	Single; right angle; trees; carelessness; rural.
13772	26765-143	Oct. 26	12.10 p.m.	C.N.R.	Market St., Paris Jct., Ont.....	....	1	Wat'n	Auto.	Single; right angle; carelessness; urban.
13775	26711-73	Oct. 24	7.30 p.m.	C.N.R.	First crossing west of Port Colborne, Ont.....	....	1	Unp.	Auto.	Single; right angle; carelessness; rural.
13778	26842-38	Nov. 1	11.13 a.m.	M.C.R.	Second crossing east of LaSalette, Ont.....	1	...	Unp.	Auto.	Double; right angle; carelessness; rural.
13788	3564	Oct. 3	7.00 a.m.	C.P.R.	Montreal St., Kingston, Ont.....	....	1	Unp.	Auto.	Single; right angle; carelessness; urban.
13790	3701-62	Sept. 29	10.40 a.m.	C.P.R.	Ritson road, Oshawa, Ont.....	....	4	Unp.	Auto.	Single; right angle; sidings; rural.
13791	26711-75	Oct. 8	9.00 a.m.	C.N.R.	Crossing 300 feet east of Oshawa Stn., Ont.....	....	2	Unp.	Auto.	Single; right angle; buildings; carelessness; rural.
13796	30213-4	Sept. 11	4.20 a.m.	C.N.R.	First crossing west of Chilliwick, B.C.....	....	3	Unp.	Auto.	Single; right angle; rural.
13811	2072-30	Nov. 8	6.26 p.m.	M. & S.C.	Devonshire road, Greenfield Park, Que.....	....	1	Unp.	H. & R.	Single; right angle; building; carelessness; urban.
13821	27467-36	Sept. 26	8.10 a.m.	C.N.R.	East Pub. crossing, Colgate, Sask.....	....	1	Unp.	Auto.	Single; right angle; carelessness; rural.
13835	27156-71	Nov. 3	11.06 a.m.	C.P.R.	St. Barthelmy crossing, St. Barthelmy, Que.....	1	1	Unp.	Auto.	Single; right angle; siding; rural.
13836	9437-560	Oct. 29	7.30 a.m.	C.N.R.	Woodlands crossing, West Wales, Ont.....	....	3	Unp.	Auto.	Double; right angle; trees; carelessness; rural.
13837	26727-125	Oct. 29	8.28 a.m.	C.P.R.	Crossing at M.P. 15-8, Jelly, Ont.....	....	1	Unp.	Auto.	Single; right angle; trees; rural.
13844	27365-23	Oct. 21	5.00 p.m.	C.P.R.	Bruce road, St. Norbert, Man.....	....	4	Unp.	Auto.	Single; right angle; trees; rural.
13849	29244-2	Nov. 1	9.55 a.m.	M.C.R.	Bury line crossing, Bury, Que.....	....	2	Unp.	Auto.	Single; right angle; carelessness; rural.
13851	27401-20	Sept. 20	9.20 a.m.	C.P.R.	Crossing at M.P. 22, near Bayard, N.B.....	2	3	Unp.	Auto.	Single; skew; rural.
13865	26711-74	Nov. 8	8.45 a.m.	C.N.R.	Third crossing west of Campbellcroft, Ont.....	1	...	Unp.	Ped.	Single; right angle; trees; rural.
13901	27802-1	Nov. 18	6.13 p.m.	T.H. & B.	John St., south, Hamilton, Ont.....	....	1	Gates	Auto.	Double; right angle; carelessness; urban.
13902	27318-5	Oct. 31	3.58 p.m.	L.E. & N.	Townsend St., Simcoe, Ont.....	1	2	Bell	Auto.	Single; right angle; carelessness; urban.
13919	26711-76	Nov. 17	5.15 p.m.	C.N.R.	Crossing 3 miles west of St. Marys Jct., Ont.....	....	1	Unp.	Auto.	Single; right angle; rural.
13972	9437-845	Nov. 28	5.50 a.m.	C.P.R.	King St., Sturgeon Falls, Ont.....	....	1	Unp.	H. & R.	Single; right angle; sidings; carelessness; urban.
13982	26727-127	Dec. 15	1.47 p.m.	C.P.R.	First crossing south of Manotick, Ont.....	4	2	Unp.	Auto.	Single; skew; high ground; carelessness; rural.
13988	22282	Dec. 19	4.10 p.m.	C.P.R.	Huronario St., Galt, Ont.....	....	2	Bell	Auto.	Double; right angle; carelessness; urban.
						62	310			

Explanation of abbreviations:—Wat'n., Watchman; H. & R., Horse and rig; Dble., Double track; Auto., Automobile; Sdgs., Sidings; Bldgs., Buildings; Stn., Station; Unp., Unprotected Ped., Pedestrian; Motor, Motor truck; Sgle., Single track; H.B., High banks; Care., Carelessness.

SESSIONAL PAPER No. 33

No. 10.—STATEMENT Showing Accidents to Employees While Working On or Under Engines, Investigated During the Year Ending December 31, 1923.

File	Date	Railway	Place	Remarks	Kill- ed	In- jured
Inv. 12489	Dec. 11	C.P.R.	Winnipeg Terminals, Man.	Water glass broke.	—	1
" 12491	Dec. 2	C.P.R.	Hartney, Man.	Opening blow off cock.	—	1
" 12506	Nov. 9	G.T.R.	1½ mi. East of Glen Robertson, Ont.	Hand caught in firebox door.	—	1
" 12511	Dec. 5	C.P.R.	Field, B.C.	Scalded by hot water from injector.	—	1
" 12524	Dec. 12	C.P.R.	Trois Rivières, Que.	Fell from tender.	—	1
" 12525	Dec. 22	G.T.R.	South Scotia Jet.	Injector pipe burst.	—	1
" 12526	Dec. 19	C.P.R.	Sharpes Pit, Ont.	Water glass broke.	—	2
" 12538	Dec. 16	G.T.R.	Galetta, Ont.	Slipped off side of engine.	—	1
" 12545	Dec. 19	C.P.R.	Upsal, Ont.	Fell off running board on tender.	—	1
" 12578	Dec. 20	C.P.R.	Winnipeg, Man.	Slipped on apron plate.	—	1
" 12602	Jan. 3	C.P.R.	Winnipeg Terminals, Man.	Water glass burst.	—	1
" 12635	Jan. 10	G.T.R.	Beaverton, Ont.	Shaking grates.	—	1
" 12636	Jan. 11	G.T.R.	Danforth, Ont.	Jammed between tender and standpipe.	—	1
" 12638	Jan. 18	G.T.R.	Whitby Jct., Ont.	Air door flew open.	—	1
" 12639	Dec. 24	C.N.R.	Chinook, Alta.	Fell against boiler head.	—	1
" 12641	Oct. 21	C.N.R.	Delta Station, Ont.	Making repairs to air pump.	—	1
" 12642	Jan. 16	C.P.R.	Petawawa Station, Ont.	Flange of steam pipe to lubricator pulled out.	—	1
" 12643	Dec. 29	C.P.R.	Lethbridge, Alta.	Squirt hose was left open.	—	2
" 12644	Dec. 22	C.N.R.	Edson, Alta.	Squirt hose was left open.	—	1
" 12658	Jan. 29	G.T.R.	Peterboro, shop track, Ont.	Oiling pump.	—	1
" 12685	Jan. 15	C.N.R.	Kelliher, Sask.	Shaking grates.	—	1
" 12709	Jan. 20	G.T.R.	Alma, Ont.	Reverse lever dropped.	—	1
" 12727	Jan. 27	C.P.R.	Sherbrooke Yard, Ont.	Getting on tender of engine.	—	1
" 12730	Feb. 8	C.P.R.	Bedell, Ont.	Putting scoop away under engine.	—	1
" 12747	Feb. 27	C.P.R.	½ mile east of Marysville, Ont.	Slipped while climbing from tender to cab of engine.	—	1
" 12772	Feb. 16	C.N.R.	Barry's Bay, Ont.	Slipped while getting down off engine seat to put on fire.	—	1
" 12781	Feb. 25	C.P.R.	M. P. 76, Keewatin Sub., Man.	Struck by reverse lever.	—	1
" 12821	Mar. 5	C.N.R.	Radiant, Ont.	Finger caught in firebox door.	—	1
" 12828	Mar. 8	C.P.R.	Foster, Que.	Getting out of cab window, fell.	—	1
" 12838	Feb. 13	C.N.R.	M.P. 92, Conquest Sub. Sask.	Injured while throwing reverse lever.	—	1
" 12845	Feb. 17	C.N.R.	Kwinitsa, B.C.	Trying to turn valves when water glass broke.	—	1
" 12874	Mar. 9	C.N.R.	Tureot, Que.	Fell off tender.	—	1
" 12876	Mar. 16	G.T.R.	14 miles north of St. Johns, Que.	Left front engine cab door burst open.	—	1
" 12877	Mar. 15	C.N.R.	Pt. St. Charles, Que.	Getting out on running board of engine.	—	1
" 12893	Mar. 1	C.N.R.	Fort Erie, Ont.	Scalded while shutting off left injector.	—	1
" 12913	Mar. 24	C.P.R.	Tinker Station, N.B.	Shaking grates.	—	1
" 12928	Mar. 26	M.C.R.	Dufferin, Ont.	Climbing down back of tank.	—	1
" 12985	Mar. 16	C.N.R.	Biggar, Sask.	Scalded by hot water from injector.	—	1

No. 10.—STATEMENT Showing Accidents to Employees While Working On or Under Engines, Investigated During the Year Ending December 31, 1923.—Continued.

File	Date	Railway	Place	Remarks	Kill- ed	In- jured
" 12992	Mar. 29	C.P.R.	M.P. 55, Napinka Sub. Man.	Bottom water glass mounting blow out.	-	1
" 12994	Mar. 17	C.P.R.	Gladstone, Man.	Trying to open blow off cock.	-	1
" 13045	April 11	C.P.R.	1 mile west of Gould, Que.	Tender parted from engine.	-	1
" 13046	April 14	C.P.R.	Lac Mercier Stn., Que.	While putting in fire fell out of engine rounding curve.	-	1
" 13080	April 23	C.N.R.	Near Shaw, Alberta	Fell from tender of engine.	-	1
" 13081	April 1	C.N.R.	Empire Jet., Ont.	Injector broke.	-	1
" 13115	May 9	C.P.R.	Moose Jaw, Sask.	Equalizer on left side driving spring of engine broke.	-	1
" 13130	June 6	C.P.R.	St. Clet, Que.	Fell while leaning out of cab window.	-	1
" 13124	June 9	C.P.R.	West Toronto, Ont.	Getting out of cab window.	-	1
" 13146	June 13	C.P.R.	Outremont, Que.	Hand caught between reverse gear and running board.	-	1
" 13148	May 29	C.N.R.	Belle River, Ont.	Fell while on running board with poker.	-	1
" 13149	June 9	C.P.R.	Port Burwell, Ont.	Elbow struck by reverse gear.	-	1
" 13161	June 7	C.P.R.	West Toronto, Ont.	Getting down off engine.	-	1
" 13192	June 15	C.N.R.	Lancaster, Ont.	Right main rod broke.	-	1
" 13202	May 9	C.P.R.	M.P. 104 Ignace Sub. Ont.	Arm strained through constant use of throttle of engine.	-	1
" 13232	June 5	C.N.R.	Legrand, B.C.	Shaker bar slipped off.	-	1
" 13305	June 15	C.N.R.	Butler, Man.	Shaker bar slipped off.	-	1
" 13344	June 26	C.N.R.	London East, Ont.	Left blow off cock was knocked off.	-	1
" 13353	June 13	C.N.R.	Lake Kathlyn, B.C.	Caught between reverse lever and back of cab.	-	1
" 13378	June 2	C.N.R.	Graham, Ont.	Shaking grates.	-	1
" 13379	June 20	C.N.R.	Turoot roundhouse.	Fell off while wetting coal.	-	1
" 13389	July 23	C.P.R.	M.P. 127, Laggan Sub., Alberta.	Hand came in contact with blower pipe and seat.	-	1
" 13391	Aug. 7	C.P.R.	St. Marys Yard, Ont.	While coaling engine fell from tender.	-	1
" 13449	Aug. 9	C.N.R.	Swan Lake, Man.	Squirt hose threw water about cab.	-	1
" 13454	Aug. 26	C.P.R.	Sturgeon Falls, Ont.	Caught by hook while drawing standpipe around.	-	1
" 13478	July 14	C.N.R.	Metalik Siding, Que.	While shunting, opened water glass.	-	1
" 13482	Aug. 12	E. & N.	M.P. 40, Victoria Sub., B.C.	Engine moved while taking water.	-	1
" 13498	Aug. 1	C.P.R.	Regina, Sask.	Fell on tender of engine.	-	1
" 13507	July 28	C.N.R.	Kakabeka Falls, Ont.	Operating valve opened.	-	1
" 13513	Sept. 12	C.P.R.	Windsor Yard, Ont.	Getting out of cab window.	-	1
" 13535	Sept. 10	C.P.R.	Woodstock, Ont.	Placing water spout in position.	-	1
" 13558	Aug. 30	C.N.R.	Point Edward, Ont.	Shaking grates.	-	1
" 13560	Sept. 21	C.P.R.	Tottenham, Ont.	Water glass broke.	-	1
" 13590	Oct. 2	C.N.R.	Near Farland, Ont.	Shaking grates.	-	1
" 13658	Sept. 17	C.P.R.	Wynyard Yard, Sask.	Leg struck by hot water from overflow pipe.	-	1
" 13672	Sept. 25	C.N.R.	Paddington, Man.	Scalded when overflow pipe was opened.	-	1
" 13675	Sept. 13	C.N.R.	West Toronto, Ont.	Drip plate fell on foot.	-	1
" 13722	Oct. 5	C.N.R.	Melville coal dock, Sask.	Hand caught between vestibule and cab of engine.	-	1

SESSIONAL PAPER No. 33

No. 10.—STATEMENT Showing Accidents to Employees While Working On or Under Engines, Investigated During the Year Ending December 31, 1923.—*Concluded.*

File	Date	Railway	Place	Remarks	Kill- ed	In- jured
" 13753	Oct. 2	C.N.R.	Lucerne, B.C.	Struck head against head light.	—	1
" 13855	Oct. 14	C.N.R.	Chinook, Alta.	Cleaning out front end of engine.	—	1
" 13908	Nov. 16	C.N.R.	Delia, Alta.	Slipped and fell from gangway of engine.	—	1
" 13921	Nov. 19	C.N.R.	Port Arthur, Ont.	While putting on markers fell from running board.	—	1
" 13926	Nov. 22	C.N.R.	Knox, Man.	Door fell while cleaning ashpan.	—	1
" 13929	Nov. 20	C.P.R.	Kenora, Ont.	Repairing engine, steel bar which was being used, flew out and struck him on head.	—	1
" 13937	Nov. 24	C.N.R.	Trancona, Man.	Slipped and fell on tank.	1	—
" 13940	Oct. 11	C.N.R.	Fiske, Sask.	Struck on head by ashpan.	—	1
" 13962	Nov. 18	C.P.R.	Lambton coal chutes, Ont.	Struck by reversing lever of engine.	—	1
" 13992	Nov. 28	C.N.R.	Quorn, Ont.	Knocked off side ladder of engine.	—	1
" 13996	Nov. 17	C.N.R.	Caramet, Ont.	Fell off tender while taking water.	—	1
					1	88

No. 11.—STATEMENT Showing the Number of Highway Crossing Accidents with the Total Number of Killed and Injured by Provinces for Year Ending December 31, 1923.

Name of Railway	Nova Scotia			New Brunswick			Quebec			Ontario			Manitoba			Saskatchewan			Alberta			British Columbia			Total		
	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.
Canadian Pacific.....	2	2	1	2	3	3	13	6	17	35	10	45	6	....	10	4	....	4	5	1	7	3	....	7	68	20	93
Canadian National...				3	....	3	23	6	29	91	29	118	6	....	7	8	....	8	5	....	6	2	....	4	138	37	176
Michigan Central.....										6	3	5													6	3	5
Niagara, St. Catharines & Toronto....										3	....	4													3	....	4
Pere Marquette.....										2	....	3													2	....	3
Brantford & Hamilton										1	....	1													1	....	1
Dominion Atlantic....				2	1	1	1			....	....	....													2	1	1
Maine Central.....									2	....	....	....													1	....	2
Hamilton Radial.....										4	1	3													4	1	3
Toronto, Hamilton & Buffalo.....										4	....	5													4	....	5
Windsor, Essex & Lake Shore.....										1	....	1													1	....	1
British Columbia Electric.....										....	....	....										1	....	1	1	....	1
Algoma Central & Hudson Bay.....										1	....	5													1	....	5
Hull Electric.....							1		3	....	....	....													1	....	3
Maritime Coal Ry. & Power Co.....	1	1	1							....	....	....													1	....	1
Esquimalt & Nanaimo.....										....	....	....													4	....	11
London & Port Stanley.....										....	....	....													1	....	2
Quebec Central.....							1		1	1	....	2													1	....	1
Lake Erie & Northern									1	2	2	6													2	2	6
Kettle Valley.....										....	....	....													1	....	1
Montreal & Southern Counties.....	3	2	2	7	4	7	40	12	53	151	45	198	12	....	17	10	....	12	10	1	13	11	....	24	244	64	326

No. 12.—STATEMENT Showing Highway Crossings at which Protection Provided, the Nature of Protection, During Period of Twelve Months Ending December 31, 1923.

File Number	Order Number	Location of Crossing	Railway	Nature of Protection
26765-241	.....	1st crossing West of Waubashene, Ont.	C.N.R.	10 mile an hour speed limitation maintained.
27073-8	33240	1st crossing West of Lytton, B.C.	C.P.R.	Removal of embankment.
27401-14	33253	Crossing 1 mile south of Florenceville, N.B.	C.P.R.	Trees removed.
26727-102	33280	Crossing 2 miles East of St. Thomas, Ont.	C.P.R.	Removal of hedge and house.
27156-49	33284	Julien's Crossing, Pont Rouge, Que.	C.P.R.	Construction of subway 12' deep and 18' wide.
27073-10	33293	1st crossing North of Essondale, B.C.	C.P.R.	Scrub and brush removed.
{27401-15	33298	King St., St. Stephen, N.B.	C.P.R.	10 mile an hour speed limitation maintained.
26711-8	33356}			
26765-246	33300	1st crossing North of Lyn Station, Ont.	C.N.R.	Removal of earth and waste material.
	33303	Crossing 50 yards north of Preston Station, Ont.	C.N.R.	10 mile an hour speed limitation maintained; switching movements to be flagged.
1872-5	33345	Orillia St., Washago, Ont.	C.N.R.	Cars to be kept back 350' from street lines.
27156-60	.....	Crossing 1 mile east of Pont Rouge, Que.	C.P.R.	Advance warning signs erected.
9437-1026	33361	Dundas Street, Trenton, Ont.	C.N.R.	Watchman installed from 7 a.m. to 11 p.m., and from 11 p.m. to 7 a.m., all train movements to be limited to 10 miles an hour.
3878-308	33367	Kingston Road, Lot 30, Con. 1 Co. of Hastings, Ont.	C.P.R.	Illuminated electric bell and wig-wag, one bell and one signal on each railway, in lieu of watchmen.
26727-100	33370	Crossing 1¼ miles west of Chesterville, Ont.	C.N.R.	Warning signs erected.
27467-32	33373	Crossing near Lilac, Sask.	C.P.R.	Removal of brush.
26765-225	33383	Crossing ½ mile north of Jarvis, Ont.	C.N.R.	Removal of trees and erection of signboard.
2100-79	33387	Crossing 1 mile west of Brancel, Ont.	C.N.R.	Removal of trees.
27802-7	33397	First Governor's Road, Mineral Springs, Ont.	C.P.R.	Removal of board fence and embankment cut down.
32542	33399	Crossing between Lots 4 and 5, Twp. Brighton, Ont.	T. H. and B. C.N.R.	Cars to be kept back 200' from crossing, and when train on passing track train movements to be flagged over.
26765-211	33400	Crossing 1 mile west of Drayton, Ont.	C.N.R.	Trees to be trimmed.
9437-279	33420	Talbot St., Winnipeg, Man.	C.P.R.	Attachment to gates already installed.
32248.	33434	Main St., Morden, Man.	G.N.R.	Removal of brush and small trees.
692	33450	McGill St., Hawkesbury, Ont.	C.N.R.	Wig-wag signal, with extra flashing rod on same installed
30424-3	33441	Gravel Road just south of St. Thomas, Ont.	L. and P. S.	Removal of trees and garage.
29887	33456	Stone Road crossing, Charnville, Ont.	B. and H.	Trees and hedge cut down.
27156-47	33501	Aylmer Road, Hull, Que.	H. E. R.	6 mile an hour speed limitation maintained.
26711-16	33549	Francis St., Fort William, Ont.	C.N.R.	Construction of alterations and additions to bell and wig-wag already installed.
26711-17	33550	Brock St., Westfort, Ont. (Fort William)	C.N.R.	Construction of alterations and additions to bell and wig-wag already installed.
26711-15	33551	Amelia Street, Fort William, Ont.	C.N.R.	Construction of alterations and additions to bell and wig-wag already installed.
9437-619	33557	Crossing just west of Lyster, Ont.	C.N.R.	10 mile an hour speed limitation maintained.

No. 12.—STATEMENT Showing Highway Crossings at which Protection Provided, the Nature of Protection, During Period of Twelve Months Ending December 31, 1923.—Continued.

File Number.	Order Number	Location of Crossing	Railway	Nature of Protection
26765-150 9437-1244	33558 33567	Victoria Ave., Niagara Falls, Ont. Eglington Ave., York, Ont.	C.N.R. C.P.R. and C.N.R.	Watchman installed from 7 a.m. until 6 p.m. Removal of earth obstruction, and wig-wag signals to be attached to bells already installed.
27233	33566	Riverdale Park, Toronto	C.P.R. and C.N.R.	Watchman to be on duty daily instead of for certain months.
26842-25 9437-1317 9415	33598 33606 33621	Maine St., Bridgen, Ont. Humber River Bridge, 1st Xng, West, Weston, Ont. Crossing in Village of West Lorne, Ont.	M.C.R. C.N.R. M.C. R. and P.M.R.	Removal of trees. Wig-wag to be attached to bell already installed. Gates already installed to be reconstructed.
27073-13 26727-103 30213-1 26727-106 9437-725 26765-269 27401-11	33629 33647 33653 33672	Newcastle Street, Nanaimo, B.C. Pembroke St., Pembroke, Ont. Burnside Road, Victoria, B.C. 1st crossing west of Keewatin, Ont. Talbot Road, Shedden, Ont. 3rd crossing west of Wales, Ont. Millford St., Fairville, N.B.	E. and N. C.P.R. C.N.R. C.P.R. M.C.R. C.N.R. C.P.R.	Removal of scrub. Automatic bell and wig-wag to be installed. Brush and scrub cut down. 10 mile an hour speed limitation maintained. Wig-wag signal installed. Trees and brush cut down. Installation of standard illuminated danger sign on bell post.
27365-17 26842-34 28230-8 6/3464	33673 33678 33688 33717 33828	Crossing 2 miles west of Oakbank, Man. Crossing 2 miles east of Perrys, Ont. Red Hill Road, Twp. Saltfleet, Co. of Wentworth, Ont. Charlotte St., Peterboro, Ont.	C.P.R. M.C.R. T. H. and B. C.N.R.	Removal of brush. Removal of trees. Removal of trees, and installation of bell and wig-wag. Watchman between hours 6.30 a.m. and 10.30 p.m. and all train movements to be flagged over between 10.30 p.m. and 6.30 a.m.
C-3464	33719	Charlotte St., Peterboro, Ont.	C. N. R. and P.R.R.	Street Railway cars to be operated over crossing at 15 miles per hour and during Jan., Feb., March and April, steam railway trains to be flagged over between 10.30 p.m. and 6.30 a.m.
9437-1083 9437-541 26765-247 26782-23 9437-107	33726 33831 33854	Brock Road, Puslinch, Ont. Crossing at Eaton Corners, Que. Crossing east of Delhi, Ont. Crossing immediately east of Charlesbourg, Que. William St., Cobourg, Ont.	C.P.R. Me. Cen. C.N.R. C.N.R. C.N.R.	Wig-wag signal to be attached to bell already installed 10 miles an hour speed limitation maintained. Removal of clay banks and knoll. Installation of improved type of automatic electric bell. Installation of double illuminated electric bells and wig-wag signals, also bushes, trees and sheds removed.
27156-66 26842-21 26765-35 27073-14 27365-18	33892 33896 33913 33914 33985	Crossing near St. Vincent de Paul, Que. Crossing 1½ mile east of Leamington, Ont. Riddell St., Woodstock, Ont. Road crossing at Mileage 106-2, Cascade Sub., B.C. 26th St., Brandon, Man.	C.P.R. M.C.R. C.N.R. C.P.R. C.P.R.	Cars to be kept back one car length from highway. Removal of obstructions. Wig-wag signal to be attached to bell already installed. Approaches graded. Approaches to be graded; crossing to be widened; warning signs to be erected; trees to be removed, and knolls to be levelled.

No. 12.—STATEMENT Showing Highway Crossings at which Protection Provided, the Nature of Protection, During Period of Twelve Months Ending December 31, 1923.—*Continued*

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File Number	Order Number	Location of Crossing	Railway	Nature of Protection
9437-970	.....	Crossing at Varney Station, Ont.....	C.N.R.....	Trees cut down.
26727-105	34012	Crossing west of Locust Hill, Ont.....	C.P.R.....	Hedges and trees removed.
20688	34081	Fredericton and Edward Sts., Fort William, Ont.....	C.N.R.....	Double automatic bells and wig-wags to be installed in lieu of gates and watchmen.
20687	34090	Gore St., Fort William, Ont.....	C.N.R.....	Double automatic bells and wig-wags to be installed in lieu of gates and watchmen.
9437-841	34096	Wilson St., Perth, Ont.....	.....	Wig-wag signal installed and trees cut down.
26842-31	34100	Crossing west of Perry, Ont.....	M.C.R.....	Wig-wag signal installed and trees cut down.
26711-64	34101	1st crossing south of Elmvale, Ont.....	C.N.R.....	Trees trimmed.
9437-598	34105	Elgin St., St. Thomas, Ont.....	M.C.R.....	Wig-wag signal installed in addition to bell, already installed.
32612	34108	Lockner Road, Vancouver Island, B.C.....	E. and N.....	Installation of semaphore 700' from crossing and appointment of man to operate derail and semaphore and act as crossing watchman while train or engine movements are being made over crossing.
26765-261	34118	1st crossing east of Greenfield, Ont.....	C.N.R.....	Cars to be kept back 150' from crossing.
30213-2	34130	Water Street, Hope, B.C.....	C.N.R.....	Bushes trimmed and ground elevation lowered.
26765-148	34163	Victoria Ave., Hamilton, Ont.....	T.H. and B.....	Wig-wag signal installed.
9437-1244	34166	Eglinton Ave., Tremont, Ont.....	C.P.R.....	Wig-wag signals installed in addition to bells already provided, and obstructions removed.
9437-196	34177	Crossing west of Mille Roches, Ont.....	C.N.R.....	Wig-wag signals in addition to bell installed, and trees trimmed.
C-2581	34182	Cannifton Road, Belleville, Ont.....	C.N.R.....	Wig-wag signal attached to bell already installed.
27073-15	.....	5th Ave., Kamloops, B.C.....	C.P.R.....	10 mile an hour speed limitation maintained.
9437-1223	34214	Old Toll Road, Brantford, Ont.....	C.N.R.....	10 mile an hour speed limitation maintained.
27652-26	.....	Crossing just west of Lennoxville, Que.....	C.N.R.....	10 mile an hour speed limitation maintained.
9437-410	.....	Talbot Road Crossing, Courtland, Ont.....	C.N.R.....	Trees trimmed.
26782-6	34245	St. Dominique St., Jonquiere, Que.....	C.N.R.....	All switching movements over crossing to be flagged.
27802-5	34212	Governor's Road, Mineral Springs, Ont.....	T.H. and B.....	Automatic bell and wig-wag signal installed.
31671	34263	Parent Road, Ford, Ont.....	C.N.R.....	Cars to be kept back 200' on west side, no cars permitted on east side.
9437-735	34267	1st crossing west of Burlington, Ont.....	C.N.R.....	Cars to be kept back from crossing.
26765-266	.....	Side Road Crossing, Newtonville, Ont.....	C.N.R.....	Cars to be kept back from crossing.
26744-2	34304	Crossing east of Cardinal, Man.....	C.N.R.....	Brush cut down.
27066-7	34308	Side Road Crossing, Lots 30 and 40, Halton Co.....	H.R.E.....	Trees cut down.
9437-1043	34320	Crossing 2 miles east of Scarborough Jet., Ont.....	C.N.R.....	Embankment removed.
26765-20	34351	Crossing east of Delhi St., Ont.....	C.N.R.....	Hedge cut down.
26765-231	34372	Crossing 1½ miles south of Varney, Ont.....	C.N.R.....	Approaches graded and obstructions removed.
9437-970	34379	Crossing at Varney, Ont.....	C.N.R.....	Trees and other obstructions removed.
9437-214	34392	Huron St., New Market, Ont.....	C.N.R.....	Cars to be kept back from crossing, and 10 mile an hour speed limitation maintained.

No. 12.—STATEMENT Showing Highway Crossings at which Protection Provided, the Nature of Protection, During Period of Twelve Months Ending December 31, 1923.—*Concluded.*

File Number	Order Number	Location of Crossing	Railway	Nature of Protection
1558·3	34397	Church St., Parry Sound, Ont.	C.N.R.	Trees cut down.
12924·103	34398	Crossing at Strathcona, Alta.	C.N.R. and C.P.R.	Signalman to operate interlocking plant from 6.30 a.m. to 6.00 p.m., instead of from 6.30 a.m. to 10.30 p.m.
17038	34413	Drew St., Woodstock, Ont.	C.P.R.	10 mile an hour speed limitation maintained.
26727·120	34451	Summerhill Ave., North Toronto, Ont.	C.P.R.	Trees trimmed and tool-house removed.
15725		Home Ave., Mission, B.C.	C.P.R.	Brush cut down and speed of train on side tracks limited to 10 miles per hour.
17814		St. Phillip St., Montreal, Que.	C.N.R.	Fringing added to gates already installed, and fence constructed to prevent people passing around same.
9437·833	34453	1st crossing west of Graham Bay, Ont.	C.N.R.	Trees trimmed.
27365·22	34458	Arlington St., Winnipeg, Man.	C.P.R.	Crossing signs erected.
26765·79	34462	Christina St., Sarnia, Ont.	C.N.R.	Protection by watchman now employed to operate half-interlocking plant.
C—3672	34487	Main St., Oxbow, Sask.	C.P.R.	Cars to be kept back from crossing 40 feet.
27365·23	34498	Bruce Road, Grande Pointe, Man.	C.P.R.	Scrub cut down.
26727·101	34646	Bloor St., 1½ miles west of Toronto, Ont.	C.P.R.	Automatic electric bell and wig-wag on each side of track.
31646·2	34501	1st crossing south of Ste. Marie de Beauce, Que.	Q.C.R.	10 mile an hour speed limitation maintained.
9437·603	34518	Moore St., St. Thomas, Ont.	M.C.R.	Flashlight to be attached to signal already installed instead of wig-wag.
27811·27		Xing. at M.P. 52·3, Wetaskiwin Sub., Sask.	C.P.R.	Approaches brought up to standard.
9437·1038	34563	Dixie Road, Long Beach, Ont.	C.P.R. and C.N.R.	Wig-wag signal installed, in addition to bell.
26765	34568	1st crossing west of Bronte, Ont.	C.N.R.	Two automatic bells and wig-wags installed.
26782·29	34570	Ste. Anne St., Devclayville, Que.	C.N.R.	Brush and trees cut down.
3701·62	34591	Ritson Road, Oshawa, Ont.	C.P.R.	Cars to be kept back from crossing 50'.
9437·239	34592	Crossing 1 mile west of Manilla Jet., Ont.	C.N.R.	Trees and brush cut down.
26782·2	34600	Notre Dame St., Bout de L'Isle, Que.	C.N.R.	Crossing signs erected.
26727·106	34639	1st crossing west of Keewatin, Ont.	C.P.R.	10 mile an hour speed limitation maintained.
9437·211		Base line crossing Whitby Jet., Ont.	C.N.R.	Cars to be kept back 600' east of crossing.
3107		Atwater Ave., Montreal, Que.	C.N.R.	Crossing sign erected on north side.

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No. 13.—STATEMENT Showing the Number of Highway Crossings at which Protection has been Ordered, and the Nature of Protection set out by Provinces, for Twelve Months Ending December 31, 1923.

	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	British Columbia	Alberta	Total
Removal of view obstructions (trees, banks, buildings, etc.).....		1	1	25	4	1	5		37
Gates already installed to be reconstructed.....				1					1
Approaches graded.....				1	1	1	1		4
Speed limitations maintained.....		1	4	7			2		14
Subway.....			1						1
Cars to be kept back required distance.....			1	8		1			10
Automatic bell and wig-wag.....				7					7
Automatic electric bell.....			1						1
Wig-wag signal to be attached to bell already installed.....				12					12
Double automatic bells and wig-wags in lieu of gates and watchmen.....				2					2
Advance warning signs erected.....		1	3	1	1				6
Removal of trees and erection of signboard.....				1					1
Attachment to gates already installed.....					1				1
Construction of alterations and additions to bell and wig-wag already installed.....				3					3
Watchman between certain hours.....				5					5
Train movements to be flagged.....			1	1					2
Installation of semaphore and operator of *derail to act as watchman.....							1		1
Cars to be kept back required distance and 10-mile an hour speed limitation maintained.....				1					1
Fringing attached to gates and fence constructed to prevent people going around gates.....			1						1
Flashlight to be attached to signal already installed.....				1					1
Wig-wag signal with extra flash rod.....				1					1
Change of hours signalman operating interlocking plant.....								1	1
		3	13	77	7	3	9	1	113

No. 14.—STATEMENT Showing Number of Persons Killed and Injured at Public Highway Crossings, Separately, for Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, Twelve Months Ending December 31, 1921, Twelve Months Ending December 31, 1922, and Twelve Months Ending December 31, 1923.

Year	Gates		Bell		Watchman		Unprotected		Total	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Nine months ending Dec. 31, 1919.....	4	9	4	7	4	9	36	138	48	163
Twelve months ending Dec. 31, 1920..	6	14	6	29	4	8	52	164	68	215
Twelve months ending Dec. 31, 1921..	5	13	14	27	1	8	50	166	70	214
Twelve months ending Dec. 31, 1922..	2	10	5	16	1	9	58	202	66	237
Twelve months ending Dec. 31, 1923..	2	20	13	43	1	8	48	255	64	326
	19	66	42	122	11	42	244	925	316	1,155

No. 15.—STATEMENT Showing Number of Highway Crossing Accidents, the Nature of Same, for Each and Every Year, Separately, for Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, 1921, 1922 and 1923.

	Gates					Watchman					Bell					Unprotected					Total									
	9 mos. 1919	1920	1921	1922	1923	9 mos. 1919	1920	1921	1922	1923	9 mos. 1919	1920	1921	1922	1923	9 mos. 1919	1920	1921	1922	1923	9 mos. 1919	1920	1921	1922	1923	Total				
		Total	Total	Total	Total		Total	Total	Total	Total		Total	Total	Total	Total		Total	Total	Total	Total		Total	Total	Total	Total		Total	Total	Total	Total
—																														
Automobile.....	4	4	3	2	6	19	1	2	4	2	5	14	5	17	15	10	21	68	50	93	92	95	125	455	60	116	114	109	157	556
Horse and rig.....	—	2	2	—	3	7	1	2	1	2	1	7	—	7	6	6	7	26	25	33	32	38	38	166	26	44	41	46	49	206
Pedestrian.....	4	13	10	7	11	45	3	3	—	3	—	9	1	3	4	1	6	15	22	12	20	17	18	89	30	31	34	28	35	158
	8	19	15	9	20	71	5	7	5	7	6	30	6	27	25	17	34	109	97	138	144	150	181	710	116	191	189	183	241	920

The total of 920 accidents covers 316 persons killed and 1,155 persons injured, as referred to in preceding statement.

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No. 16.—STATEMENT Showing the Number of Trespassers Killed and Injured by Provinces and Railways for Year Ending December 31, 1923.

—	Nova Scotia		New Brunswick		Quebec		Ontario		Manitoba		Saskatchewan		Alberta		British Columbia		Total	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Canadian National.....																		
Canadian Pacific.....	5	3		4	5	12	17	16	2	2	3	7	2	5	3	3	37	52
Windsor, Essex and Lake Shore.....			2	1	7	5	13	17	2	4	2	4	5	2		8	31	41
Toronto, Hamilton and Buffalo.....								1										1
Niagara, St. Catharines and Toronto.....							2										2	
Maritime Coal Railway & Power Co.....	1							1										1
Esquimalt & Nanaimo.....																		
Hull Electric.....					1										1		1	
Quebec, Montreal & Southern.....						1											1	
Pere Marquette.....							1	1									1	1
Michigan Central.....							1	1									1	1
New York Central.....					1	1											1	1
	6	3	2	5	14	19	34	36	4	6	5	11	7	7	4	11	76	98

No. 17.—STATEMENT Showing the Number of Persons Killed and Injured on the Various Railways under the Jurisdiction of the Board from April 1, 1915, until March 31, 1919, Nine Months Ending December 31, 1919, and for Years Ending December 31, 1920, 1921, 1922 and 1923.

Year	Passengers		Employees		Others		Total	
	K.	I.	K.	I.	K.	I.	K.	I.
1915.....	8	239	99	873	230	251	337	1,363
1916.....	17	140	120	788	200	197	337	1,125
1917.....	16	280	155	1,174	212	239	383	1,693
1918.....	22	342	137	1,220	174	268	333	1,830
1919.....	28	202	117	1,344	119	267	264	1,813
1919—9 months.....	4	274	91	951	128	277	223	1,502
1920.....	17	379	80	1,570	157	381	254	2,330
1921.....	4	240	91	1,344	148	344	243	1,928
1922.....	5	376	83	2,084	155	396	243	2,856
1923.....	15	558	122	2,542	158	497	295	3,597
	136	3,030	1,095	13,890	1,681	3,117	2,912	20,037

No. 18.—STATEMENT Showing the Number of Persons Killed and Injured in the More Prominent Accidents on the Various Railways under the Jurisdiction of the Board shown separately for Nine Months Ending December 31, 1919, and Years Ending December 31, 1920, 1921, 1922 and 1923.

	9 months 1919		1920		1921		1922		1923		Total	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Deraiment.....	13	247	11	316	12	159	10	215	10	381	56	1,318
Collision head-on.....	4	85	.....	66	2	33	.....	64	6	48	12	295
Collision rear-end.....	1	15	14	58	2	28	3	30	6	87	26	218
Collision in yard.....	.....	21	2	45	1	43	1	57	5	48	9	214
Collision with cars, open switch.....	2	20	.....	21	2	6	.....	6	.....	7	4	60
Collision with cars standing foul.....	.....	1	.....	4	.....	16	.....	5	.....	2	1	28
Collision at level (diamond) crossing.....	.....	3	.....	4	.....	7	.....	13	1	20	2	47
Highway crossing protected.....	12	25	16	51	20	48	8	35	16	71	72	230
Highway crossing unprotected.....	36	138	52	164	50	166	58	202	48	255	244	925
Adjusting couplers, coupling, etc.....	3	59	6	101	.....	69	5	79	7	107	21	415
Trespassing.....	64	68	73	120	64	91	71	90	76	98	348	467
Hand car, motor, struck by train.....	7	8	6	44	9	59	10	38	5	38	37	187
Struck by switch stand, etc.....	.....	25	.....	43	1	31	.....	42	1	32	2	173
Crushed between cars and buildings.....	.....	6	.....	16	2	8	2	16	.....	14	4	60
Falling off passenger train.....	1	17	3	24	3	18	1	13	5	16	13	88
Falling off top of car.....	7	37	3	33	3	16	2	53	2	84	17	223
Falling between cars.....	1	5	3	2	2	7	3	11	2	11	11	36
Jumping off train in motion.....	1	54	4	62	3	64	8	117	7	90	23	387
Attempt to board train in motion.....	1	31	.....	57	3	38	1	62	5	63	10	251
Run down by engine or car.....	27	41	26	76	18	57	26	62	42	79	139	315
Locomotive dropping crown sheet.....	4	7	2	4	2	15
	180	910	219	1,307	197	963	209	1,217	248	1,555	1,053	5,952

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No. 19.—STATEMENT Showing Number of Cars Inspected Together with Defects for Twelve Months Ending December 31, 1923.

Name of Railway	Cars Inspected	Cars Defective	Per cent Defective	Grand Total Defects	Couplers and parts	Per cent Defective	Uncoupling Mechanism	Per cent Defective	Hand-holds	Per cent Defective
Canadian Pacific.....	28,164	1,295	4.59	1,397	26	1.86	271	19.39	58	4.15
Canadian National.....	43,054	1,896	4.40	2,110	51	2.41	329	15.59	94	4.45
Pere Marquette.....	1,107	67	6.05	77	1	1.27	1	1.27	1	1.27
Toronto, Hamilton and Buffalo.....	620	28	4.51	32			1	3.12	1	3.12
Edmonton, Dunvegan and B.C.....	75	6	8.00	9			1	11.11	2	22.22
Boston and Maine.....	150	6	4.00	6					1	16.66
Michigan Central.....	2,865	82	2.89	83			1	1.21	2	2.41
Dominion Atlantic.....	278	14	5.03	18			7	38.88		
Great Northern.....	205	2	.97	3	1	33.33				
Kettle Valley.....	90	5	5.55	5					1	20.00
Algoma Central.....	235	13	5.53	14	1	7.14				
London and Port Stanley.....	75	7	9.33	10						
Algoma Eastern.....	37	16	43.24	21					1	4.76
Esquimalt and Nanaimo.....	390	21	5.38	26			8	30.76	3	11.63
	77,345	3,458	4.47	3,811	80	2.09	619	16.24	164	4.30

Name of Railway	Air brakes	Per cent Defective	Ladders	Per cent Defective	Sill steps	Per cent Defective	Height of Couplers	Per cent Defective	Miscellaneous	Per cent Defective
Canadian Pacific.....	734	52.54	30	2.14	76	5.44	23	1.65	179	12.81
Canadian National.....	1,097	51.99	43	2.03	147	6.97	32	1.51	317	15.02
Pere Marquette.....	52	67.53			1	1.27	1	1.27	20	26.23
Toronto, Hamilton and Buffalo.....	20	62.50	1	3.12					9	28.12
Edmonton, Dunvegan and B.C.....	1	11.11	2	22.22	2	22.22			1	11.11
Boston and Maine.....	2	33.33			2	33.33			1	16.66
Michigan Central.....	59	71.08	3	3.62	3	3.62			15	18.00
Dominion Atlantic.....	5	27.77			5	27.77			1	5.55
Great Northern.....			1	33.33					1	33.33
Kettle Valley.....	3	60.00			1	20.00				
Algoma Central.....	8	57.14							5	35.71
London and Port Stanley.....	5	50.00			1	10.00			4	40.00
Algoma Eastern.....	14	66.66							6	28.57
Esquimalt and Nanaimo.....	7	26.92			3	11.53	1	3.84	4	15.38
	2,007	52.66	80	2.09	241	6.32	57	1.49	563	14.77

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No. 20.—STATEMENT Showing Defective Safety Appliances on Freight Cars as Reported by the Inspectors for Twelve Months Ending December 31, 1923

COUPLERS AND PARTS		AIR BRAKES	
Coupler body broken.....	3	Triple valve defective.....	—
Coupler body worn.....	—	Triple valve missing.....	—
Guard arm short.....	—	Reservoir defective.....	3
Knuckle broken.....	2	Reservoir loose.....	1
Knuckle worn.....	—	Cylinder defective.....	20
Knuckle missing.....	4	Cylinder loose.....	17
Knuckle pin broken.....	3	Cylinder and triple valve not cleaned within twelve months.....	120
Knuckle pin wrong.....	—	Cylinder and triple valve not stencilled with date of cleaning.....	2
Knuckle pin bent.....	1	Cut out cock defective.....	49
Knuckle pin missing.....	2	Release cock defective.....	2
Lock block broken.....	53	Release cock missing.....	2
Lock block worn.....	—	Release rod broken.....	94
Lock block wrong.....	—	Release rod missing.....	122
Lock block bent.....	1	Angle cock defective.....	46
Lock block inoperative.....	8	Angle cock missing.....	5
Lock block missing.....	3	Train pipe broken.....	14
Lock block key missing.....	—	Train pipe loose.....	98
Lock block trigger missing.....	—	Train pipe bracket missing.....	18
Total.....	80	Crossover pipe defective.....	8
		Hose defective.....	2
		Hose missing.....	18
		Hose gasket missing.....	—
		Retaining valve defective.....	50
		Retaining valve missing.....	6
		Retaining pipe defective.....	82
		Retaining pipe missing.....	3
		Brake rigging defective.....	166
		Brake cut out.....	1,057
		Brake cut out; card old.....	2
		No brake of any kind.....	—
		Pump missing.....	—
		Total.....	2,007
UNCOUPLING MECHANISM		LADDERS	
Uncoupling lever broken.....	2	Ladder round broken.....	6
Uncoupling lever wrong.....	12	Ladder round bent.....	52
Uncoupling lever bent.....	27	Ladder round loose.....	11
Uncoupling lever incorrectly applied.....	18	Ladder round missing.....	1
Uncoupling lever missing.....	4	Ladder loose.....	6
Uncoupling chain broken.....	512	Ladder incorrectly applied.....	4
Uncoupling chain too long.....	1	Total.....	80
Uncoupling chain too short.....	2		
Uncoupling chain kinked.....	12		
Uncoupling chain missing.....	16		
End casting broken.....	1		
End casting wrong.....	—		
End casting bent.....	3		
End casting loose.....	2		
End casting incorrectly applied.....	—		
End casting missing.....	2		
Keeper broken.....	3		
Keeper wrong.....	—		
Keeper bent.....	—		
Keeper loose.....	2		
Keeper incorrectly applied.....	—		
Keeper missing.....	—		
Angle clip loose.....	—		
Total.....	619		
HANDHOLDS		SILL STEPS	
Handhold broken.....	8	Sill step broken.....	4
Handhold bent.....	90	Sill step bent.....	141
Handhold loose.....	55	Sill step loose.....	93
Handhold incorrectly applied.....	6	Sill step incorrectly applied.....	1
Handhold missing.....	5	Sill step missing.....	2
Total.....	164	Total.....	241
HEIGHT OF COUPLERS		MISCELLANEOUS—Total.....	
Coupler too high.....	4		563
Coupler too low.....	19	Grand Total.....	3,811
Carrier iron loose.....	34		
Total.....	57		

No. 21-A.—STATEMENT of defects on Freight Cars shown separately for Nine Months Ending December 31, 1919, and for Twelve Months Ending December 31, 1920, 1921, 1922 and 1923.

	Nine months ending Dec. 31, 1919	Twelve months ending Dec. 31, 1920	1921	1922	1923	Total
Couplers and parts.....	71	139	89	114	80	493
Uncoupling mechanism.....	398	657	717	703	619	3,094
Handholds.....	55	123	234	205	164	781
Air brakes.....	1,507	2,318	2,925	2,696	2,007	11,453
Ladders.....	71	166	254	112	80	683
Sill steps.....	179	249	290	410	241	1,369
Height of couplers.....	9	21	44	62	57	193
Miscellaneous.....	92	97	330	229	563	1,311
	2,382	3,770	4,883	4,531	3,811	19,377

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No. 21-B.—STATEMENT of Cars Inspected and Defective shown separately for Nine Months Ending December 31st, 1919, and for Twelve Months Ending December 31, 1920, 1921, 1922 and 1923.

	Nine months ending Dec. 31, 1919	Twelve months ending Dec. 31, 1920	1921	1922	1923	Total
Cars inspected.....	45,871	66,108	76,789	82,128	77,345	348,241
Cars defective.....	2,142	3,135	4,352	4,057	3,458	17,144
Per cent defective.....	4·67	4·74	5·66	4·94	4·47	4·92

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APPENDIX E

REPORT OF THE CHIEF FIRE INSPECTOR OF THE BOARD, CLYDE LEAVITT, FOR YEAR ENDING DECEMBER 31, 1923.

ORGANIZATION

As in previous years, our local inspection has been handled by selected officials and employees of the several Dominion and provincial forest services, who have been deputized by the Board to act *ex officio* as officers of the Fire Inspection Department. During the year, 122 such appointments have been effective. The increase over 1922 is in part due to more intensive organization, and in part to the acquisition by the Board of jurisdiction over the Canadian Government Railways, through their formal absorption into the Canadian National Railway System. Some 97 per cent of the railway mileage of Canada is now subject to the jurisdiction of the Board.

RAILWAY FIRE PATROLS

Gradually increasing efficiency is evident in the handling by railways of special fire patrols, prescribed by this office under authority of the Board's General Order No. 362. The greater portion of this patrol is now performed by members of section forces next in seniority to the foremen, under certain prescribed conditions. Where these conditions are faithfully observed, this form of patrol proves more efficient than the system of special patrols by special men with velocipedes or power speeders, which is still partially in effect.

RIGHT OF WAY CLEARING

Substantial progress has been made toward placing railway rights of way in a condition free from dead and dry grass, weeds and other unnecessary combustible matter, as required by the Railway Act. Particularly in the eastern provinces, considerable trouble arose from the escape of fires from spring burning of right of way by section forces. Some of these fires spread over large areas and caused heavy damage, due to the almost unprecedented weather conditions. A special effort was made during October and November to get the largest possible amount of old ties, brush and other debris burned at that time, with a view to reducing spring burning operations to a minimum in 1924.

It is anticipated that, to a very considerable extent, spring burning of railway rights of way in hazardous forest sections in Ontario, Quebec and New Brunswick will hereafter be closely restricted and regulated through the issuance or withholding, by the local officers of the Board, of permits to burn. Spring burning has proved dangerous in many of the forest sections in the East, due to the inflammable character of the soil, which holds fire and thus favours secondary outbreaks, with heavy damage, unless completely extinguished or closely watched. The fall is the safest time for the burning of all heavy debris. Presumably, it will still be necessary to continue broadcast spring burning for the disposal of dry grass and other light debris in the less hazardous territory.

FIRE STATISTICS

During the fire season of 1923, a grand total of 1,096 fires from all causes were reported as having originated within 300 feet of railway lines in forested territory along railways subject to the jurisdiction of the Board, as follows:—

Province	Number of Fires	Per cent of Total
British Columbia.....	306	27.91
Prairie Provinces.....	230	20.99
Ontario.....	344	31.39
Quebec.....	159	14.51
New Brunswick.....	40	3.65
Nova Scotia.....	17	1.55
Prince Edward Island.....		
	1,096	100.00

Of the grand total of fires, 354 or 32.3 per cent, are Class A fires, which burned over less than one-fourth acre each, doing no damage; while 742 or 67.7 per cent are Class B (larger) fires, which burned over 785,908 acres and destroyed forest growth and forest products valued at \$958,177, and other property valued at \$120,977, a total of \$1,079,154.

Of the grand total, 861 fires or 78.56 per cent, were definitely attributed to railway agencies; 83 fires or 7.57 per cent to known causes other than railways; and 152 fires or 13.87 per cent to unknown causes.

Of the total area of 785,908 acres burned over, 54.01 per cent is chargeable to railway causes; 18.47 per cent to known causes other than railways; and 27.52 per cent to unknown causes.

Of the grand total area of 785,908 acres burned over, 42.50 per cent is classified as lands carrying young forest growth; 30.81 per cent as lands carrying stands of commercial timber; 23.26 per cent as cut-over or previously burned over lands; and 3.43 per cent as non-forested and grass lands.

Of the total of \$1,079,154 damage, the railways are definitely charged with 63.17 per cent; 14.19 per cent of the damage is due to known causes other than railways, and 22.64 per cent to unknown causes.

Of the 861 fires which the railways are definitely charged with having caused, 664, or 60.59 per cent of the grand total, are attributed to sparks from locomotives, and 197 fires, or 17.97 per cent of the grand total, to railway employees.

SUMMARY of Reports on Fires in Forest Sections originating within 300 feet of track on Railway Lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, Season of 1923.

	Canadian Pacific (Western Lines) (a)	Canadian Pacific (Eastern Lines) (b)	Canadian National (Atlantic Region) (c)	Canadian National (Central Region) (d)	Canadian National (Western Region) (e)	Great Northern	Edmonton, Dunvegan and British Columbia	Algoma, Central and Hudson Bay	Miscellaneous (f)	Totals
A.—RAILWAY FIRES										
1. Number by Causes—										
(a) Locomotives, Class A fires.....	106	45	16	31	47	11	3	6	7	272
Locomotives, Class B fires.....	74	61	34	74	129	1	10	3	15	392
(b) Employees, Class A fires.....	2	1	6	6	4		5	1		25
Employees, Class B fires.....	20	12	3	44	48	2	41	2		172
(c) Total of Class A fires.....	108	46	22	37	51	11	8	7		297
Total of Class B fires.....	94	73	37	118	168	3	51	5	15	564
Total of all Railway fires.....	202	119	59	155	219	14	59	12	22	861
2. Areas burned (acres)—										
(a) Young forest growth.....	1,026	8,747	107	107,521	5,403		187	51,504	50	174,545
(b) Timber land.....	166	810	53,562	76,219	2,363		13	16,500	151	149,781
(c) Slashing or old burn.....	503	2,331	3,540	44,456	17,829	80		10,010	509	79,258
(d) Other classes of land.....	907	699	237	729	17,475	4	592	10	167	20,820
(e) Total.....	2,602	12,587	57,446	228,925	43,070	84	792	78,024	877	424,407
3. Value of property destroyed—										
(a) Young forest growth.....	\$ 952	\$ 15,429	\$ 451	\$ 49,127	\$ 9,675		\$ 536	\$ 35,464	\$ 305	\$ 111,882
(b) Standing timber.....	173	31,470	255,390	144,638	5,673		25	75,000	270	512,639
(c) Forest products.....		1,260	77	608	42			11,700		13,687
(d) Other property.....	425	787	21,221	9,580	3,085		25	8,500	150	43,573
(e) Total.....	\$ 1,550	\$ 48,916	\$ 277,142	\$ 203,953	\$ 18,475		\$ 586	\$ 130,404	\$ 725	\$ 681,781
B.—KNOWN CAUSES OTHER THAN RAILWAY FIRES										
1. Number by causes—										
(a) Campers and travellers, Class A fires.....		1		3	1	1				6
Campers and travellers, Class B fires.....	1	3		3	3				1	11
(b) Settlers, Class A fires.....			1	3	1					5
Settlers, Class B fires.....	2		3	4	21		1		1	33
(c) Other known causes, Class A fires.....	4	2			5			1		12
Other known causes, Class B fires.....	5	4		3	3	1				16
(d) Total of Class A fires.....	4	3	1	6	7	1		1		23
Total of Class B fires.....	8	8	3	10	27	1	1		2	60
Total of all known causes.....	12	11	4	16	34	2	1	1	2	83

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2. Areas burned (acres)—										
(a) Young forest growth.....	74,000	11,023	426	7	60	5	85,521	
(b) Timber land.....	16,000	18,000	727	34,777	
(c) Slashing or old burn.....	18,002	2	4,032	713	.....	.....	.....	.....	23,519	
(d) Other classes of land.....	610	.....	5	616	.....	100	.....	.....	1,336	
(e) Total.....	108,612	825	33,060	2,482	7	160	.....	5	145,153	
3. Value of property destroyed—										
(a) Young forest growth.....	\$ 50,000	.....	\$ 2,015	\$ 1,002	.....	\$ 200	.....	15	\$ 53,232	
(b) Standing timber.....	60,000	.....	18,000	2,372	.....	.....	.....	.....	80,372	
(c) Forest products.....	.....	135	.....	2,400	.....	.....	.....	.....	2,535	
(d) Other property.....	300	3,730	520	12,600	.....	.....	.....	.....	17,155	
(e) Total.....	\$ 110,300	\$ 3,865	\$ 20,535	\$ 18,374	.....	\$ 200	.....	15	\$ 153,214	
C.—FIRES OF UNKNOWN ORIGIN										
1. Number—										
(a) Total of Class A fires.....	7	.....	6	3	1	.....	.....	1	34	
(b) Total of Class B fires.....	13	.....	15	31	1	.....	.....	6	118	
(c) Total of all unknown fires.....	20	.....	21	34	2	.....	11	7	152	
2. Areas burned (acres)—										
(a) Young forest growth.....	11	.....	1,606	9,125	.....	.....	1,502	1,150	73,857	
(b) Timber land.....	500	.....	1,004	3,076	.....	.....	4,000	25	57,557	
(c) Slashing or old burn.....	133	.....	2,506	9,762	.....	.....	3,100	137	80,125	
(d) Other classes of land.....	5	.....	9	2,157	1	.....	1,943	110	4,829	
(e) Total.....	649	.....	5,125	24,120	1	.....	10,545	1,422	216,348	
3. Value of Property Destroyed—										
(a) Young forest growth.....	\$ 373	\$ 3,021	\$ 6,498	\$ 10,840	.....	.....	\$ 1,451	\$ 3,610	\$ 25,856	
(b) Standing timber.....	8	7,080	136,800	6,425	.....	.....	7,250	25	157,848	
(c) Forest products.....	111	.....	.....	5,505	.....	.....	.....	.....	146	
(d) Other property.....	357	1,000	53,204	.....	.....	.....	.....	.....	60,240	
(e) Total.....	\$ 829	\$ 10,319	\$ 196,502	\$ 22,770	.....	.....	\$ 8,701	\$ 3,633	\$ 244,000	
D.—GRAND TOTALS FOR ALL CAUSES										
1. Number—										
(a) Total of all Class A fires.....	119	54	49	61	13	8	15	8	344	
(b) Total of all Class B fires.....	115	114	143	226	5	22	11	23	742	
(c) Total of all fires reported.....	234	168	192	287	18	30	24	31	1,086	

SUMMARY of Reports on Fires in Forest Sections originating within 300 feet of track on Railway Lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, Season of 1923.—*Concluded.*

	Canadian Pacific (Western Lines) (a)	Canadian Pacific (Eastern Lines) (b)	Canadian National (Atlantic Region) (c)	Canadian National (Central Region) (d)	Canadian National (Western Region) (e)	Great Northern	Edmonton Dunvegan and British Columbia	Algoma Central and Hudson Bay	Miscellaneous (f)	Totals
2. Areas burned (acres)—										
(a) Young forest growth.....	1,037	82,850	1,713	178,881	14,954	7	247	53,006	1,205	333,903
(b) Timber land.....	716	16,815	54,566	143,166	6,166	.....	13	20,500	176	242,118
(c) Slashing or old burn.....	1,406	20,357	6,048	112,951	28,304	80	.....	13,110	646	182,902
(d) Other classes of land.....	917	1,554	246	1,093	20,248	5	692	1,953	276	26,985
(e) Total.....	4,076	121,576	62,573	436,094	69,672	92	952	88,569	2,303	785,908
3. Value of property destroyed—										
(a) Young forest growth.....	\$ 1,015	\$ 65,802	\$ 3,475	\$ 57,640	\$ 21,517	.....	736	\$ 36,855	\$ 3,930	\$ 190,970
(b) Standing timber.....	423	91,478	262,470	299,438	14,470	.....	25	82,250	295	750,849
(c) Forest products.....	135	1,371	102	608	2,442	.....	.....	11,700	.....	16,358
(d) Other property.....	5,155	1,424	21,429	63,304	21,190	.....	25	8,300	150	120,977
(e) Total.....	\$ 6,728	\$ 160,075	\$ 287,476	\$ 420,990	\$ 59,619	.....	786	\$ 139,105	\$ 4,375	\$ 1,079,154

(a) Includes Esquimalt and Nanaimo and Kettle Valley Railways.
(b) Includes Fredericton and Grand Lake Coal and Railway; New Brunswick Coal and Railway; and Dominion Atlantic and Quebec Central Railways.
(c) Includes Halifax and Southwestern Railway and portions of former Canadian Government Railways east of Riviere du Loup and Monk, Que.
(d) Includes portions of former Canadian Government Railways west of Riviere du Loup and Monk, Que., and east of Superior Junction, Ontario.
(e) Includes portions of former Canadian Government Railways west of Superior Junction, Ont. (Transcontinental and Hudson Bay Railways).
(f) Includes following lines: Atlantic, Quebec and Western; Quebec Oriental; Maine Central; Algoma Central; White Pass and Yukon Route.
NOTE—No fires were reported during 1923 as originating within 300 feet of track in forest sections along the following lines; Temiscouata; Quebec, Montreal and Southern; Boston and Maine; Maritime Coal, Railway and Power Co.; Cumberland Railway and Coal Co.; Ottawa and New York; Western Power Co. of Canada
Class A fires are those which cover an area of less than one-fourth acre.
Class B fires are those which cover an area of one-fourth acre or more.

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FIRE-PROTECTIVE APPLIANCES ON LOCOMOTIVES

During the fire season of 1923, officers of the Fire Inspection Department inspected fire-protective appliances on 3,498 locomotives operating through forested territory. Of this total, the fire-protective appliances on 116 locomotives, or 3.3 per cent, were found to be in a defective condition. This is a substantial improvement over previous years.

This phase of the work is primarily under the jurisdiction of the Board's Operating Department, and our activities in this connection are in co-operation with that department.

INSPECTIONS of Locomotive Fire-Protective Appliances, 1923, by Fire Inspection Department, B.R.C.

Railway	Province	Number Inspected	Number defective	Per cent defective
C.P.R. (Including N.B.C. & Ry. and F. & G.L. C. & Ry.).....	New Brunswick	61	4	6.55
C.P.R. (Including Quebec Central Ry.).....	Quebec.....	187	1	0.53
C.P.R.....	Ontario.....	871	20	2.30
C.P.R.....	Man.-Sask.-Alta	100	9	9.00
C.P.R.....	Br. Columbia...	359	17	4.73
Totals.....		1,578	51	3.23
C.N.R.....	New Brunswick	167	21	12.57
C.N.R.....	Quebec.....	296	4	1.35
C.N.R.....	Ontario.....	838	22	2.62
C.N.R.....	Man.-Sask.-Alta	270	4	1.48
C.N.R.....	Br. Columbia...	176	2	1.13
Totals.....		1,747	53	3.03
A.Q. & W. and Q.O.....	Quebec.....	17		
A.C. & H.B.....	Ontario.....	23		
Algoma Eastern.....	Ontario.....	15	1	6.66
Great Northern.....	Br. Columbia...	21	2	9.52
Kettle Valley.....	Br. Columbia...	21	3	14.30
E.D. & B.C.....	Alberta.....	20		
Temiscouata.....	N. B. and Que..	6		
Maine Central.....	N. B. and Que..	5	2	40.00
Central Vermont.....	Quebec.....	5	2	40.00
Q.M. & S.....	Quebec.....	19	1	5.26
Boston and Maine.....	Quebec.....	5		
W.P. Co. (B.C.E.).....	Br. Columbia...	2	1	50.0
W.P. & Y. Route.....	B.C. and Yukon	14		
Totals.....		173	12	6.93
Totals all railways.....		3,498	116	3.31

SUMMARY of Fire-Guard Construction and Maintenance by Railways in the Provinces of Manitoba, Saskatchewan and Alberta, 1923.

	Edmonton Dunvegan, and British Columbia and Central Canada	Great Northern	Canadian National	Canadian Pacific	Totals
Length in track miles.....	478.10	162.38	8,077.77	6,543.52	15,261.77
Length in fire-guard miles (1).....	956.20	324.76	16,155.54	13,087.04	30,523.54
Fire-guards constructed (shown in fire-guard miles)—					
Grain Stubble lands { Fireguarded	35.00	200.50	1,922.21	2,135.23	4,292.94
Cultivated hay lands { by owner	4.50	40.00	230.00	116.45	390.95
Fenced grazing lands.....	9.70	49.00	864.05	2,061.33	2,984.08
Wild lands.....	2.50	1.50	1,239.44	1,434.30	2,677.74
Total miles of fire-guards constructed.....	51.70	291.00	4,255.70	5,747.31	10,345.71
Fire-guards not constructed (shown in fire-guard miles)—					
Exemptions (2).....	807.80	30.00	6,185.87	2,861.22	9,884.84
Owner refuses to allow construction (3).....			21.90	75.27	97.17
Unnecessary; land already plowed (4).....	6.00		1,756.80	1,500.08	3,262.88
Grain Stubble lands { Not fire-guard-	56.50		3,056.88	1,957.07	5,070.45
Cultivated hay lands { ed by owner (5)	7.40		500.85	99.90	608.15
Miscellaneous other reasons.....	26.80	3.76	377.54	846.19	1,254.29
Total miles of fire-guards not constructed.....	904.50	33.76	11,899.84	7,339.73	20,177.83

1. Fire-Guard mileage is double the track mileage, since the construction of fire-guards is required on both sides of the track.
2. Company exempted from fire-guard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.
3. Employees of railway company refused permission, by owner, to enter upon land for purpose of constructing fire-guards.
4. Fire-guarding unnecessary, because fields already plowed.
5. Fire-guarding in grain stubble and in cultivated hay lands required only where the land owner or occupant will undertake to plow guard at the reasonable price specified by the Board, to be paid by the railway company.

FIREGUARD STATISTICS

The statistical fireguard report for 1923 (preceding), shows an increase of 406.71 track miles in the Prairie Provinces, over 1922, making a total of 15,261.77 track miles in these three provinces subject to the fireguard requirements. This represents 30,523.54 fireguard miles, since fireguards are required to be maintained on both sides of the track.

Fireguards constructed or maintained during the year total 10,345.71 miles. Guards not constructed, for various reasons, total 20,177.83. Of the latter, there were exempted by this department 9,884.84 miles; owner of land refused to allow construction, 97.17 miles; land already ploughed, 3,262.88 miles; grain stubble and cultivated hay lands not fireguarded by owner, 5,678.60 miles. Thus, as to a total of 18,923.54 miles of fireguards not constructed, the reasons assigned by the railways were considered acceptable, leaving 1,254.29 miles unaccounted for, of which at least a considerable proportion should presumably have been fireguarded. This marks a substantial improvement over previous years.

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APPENDIX F

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

RECORD ROOM

LIST of cases appealed to the Supreme Court of Canada, from February 1, 1904.
to December 31, 1923

File No.	Subject	Decision
643	Montreal Terminal Railway <i>vs.</i> Montreal Street Railway, Pius IX Ave., upon question of jurisdiction.....	Allowed
1455	James Bay Railway <i>vs.</i> G.T.R., undercrossing at a point near Beaverton, Ont., lot 13, Con. 7, Tp. of Thorah.....	Dismissed
1492	James Bay Railway <i>vs.</i> G.T.R., crossing Belt Line Spur. Question of law..	Dismissed
383	Ottawa Electric Railway, and City of Ottawa <i>vs.</i> Canada Atlantic Railway, <i>re</i> Bank Street Subway, Ottawa. Question of law.....	Dismissed
1621	Toronto Railway Co., against Order 7813, July 3rd, 1909, <i>re</i> high level bridge over Don Improvement and tracks of G.T.R. and C.P.R., Toronto. Question of jurisdiction.....	Dismissed
588	<i>Re</i> Toronto Union Station, A. R. Williams expropriation. Question of jurisdiction.....	Dismissed
C. 1680	Essex Terminal Railway and W. E. & L.S.R. Railway crossing in the Tp. of Sandwich, Ont. Question of law.....	Dismissed
C. 1309	Robinson <i>vs.</i> G.T.R., two-cent rate. Question of law.....	Dismissed
689	C.P.R. <i>vs.</i> G.T.R., <i>re</i> branch line at London, Ont., Question of jurisdiction..	Dismissed
1497	T. D. Robinson <i>vs.</i> C.N.R., Spur at Winnipeg. Question of jurisdiction....	Dismissed
9527	Montreal Street Railway <i>re</i> rates, Mount Royal Ward. Question of jurisdiction.....	Allowed
C. 1419	Ontario Department of Agriculture <i>vs.</i> G.T.R., <i>re</i> station at Vineland, Ont., jurisdiction.....	Dismissed
C. 3322	<i>Re</i> Toronto Viaduct—Appeal of C.P.R., on question of law.....	Dismissed
C. 4897	<i>Re</i> fencing and cattleguards, Order 7473, Appeal of C.N.R. upon question of jurisdiction.....	Allowed
C. 4492	City of Toronto <i>vs.</i> G.T.R. and C.P.R., <i>re</i> commutation rates. Question of law.....	Withdrawn
C. 2545	City of Ottawa and County of Carleton <i>re</i> Richmond Road Viaduct. Question of jurisdiction.....	Dismissed
13079	G.T.R. and C.N.O.R., <i>re</i> spur in Tp. of Scarboro, Ont. Question of jurisdiction.....	Dismissed
C. 3269	G.T.R. <i>vs.</i> British American Oil Companies, <i>re</i> oil rates. Question of law..	Dismissed
1519	G.T.P.R. <i>vs.</i> City of Fort William, Ont., <i>re</i> location. Question of jurisdiction.....	Dismissed
11965	N. St. C. & T. Railway <i>vs.</i> Davy. Question of jurisdiction.....	Allowed
15580	Clover Bar Coal Co., and Wm. Humberstone <i>vs.</i> G.T.P. and the Clover Bar Sand and Gravel Co. Question of jurisdiction.....	Dismissed
12682	Regina Rates Case. Question of law.....	Dismissed
17963	G.T.P.R. <i>vs.</i> A. E. Purcell of Saskatoon, Sask. Question of jurisdiction....	Dismissed
C. 3269	C.P.R. <i>vs.</i> British American Oil Companies. Question of jurisdiction.....	Dismissed
15530-1	G.T.R. and C.P.R. <i>vs.</i> Canadian Oil Companies. Question of jurisdiction..	Dismissed
20062	B.C. Electric Railway., V.V. & E. Ry. <i>vs.</i> City of Vancouver, B.C. Question of jurisdiction.....	Dismissed
27095	E. B. Chambers and W. B. G. Phair <i>vs.</i> C.P.R. Question of jurisdiction...	Allowed
1487	C.N.R. <i>vs.</i> Wm. A. Taylor. Question of jurisdiction.....	Dismissed
18578	G.T.R. <i>vs.</i> City of Edmonton. Question of law.....	Dismissed
19435	Montreal Tramways and M. P. & I. Railway <i>vs.</i> Lachine, Jacques Cartier and Maisonneuve Railway. Jurisdiction.....	Allowed
23009	City of Hamilton <i>vs.</i> T.H. & B. Railway. Question of jurisdiction.....	Allowed
21428	G.T.R. <i>vs.</i> Hepworth Silica Pressed Brick Co. Question of law.....	Dismissed
12021-70	Toronto Railway Co., and City of Toronto <i>vs.</i> C.P.R. Question of law and jurisdiction.....	Dismissed
9437-153	City of Edmonton <i>vs.</i> E. D. & B. C. Railway. Question of law.....	Dismissed
C. 3935	Ingersoll Tel. Co., and others <i>vs.</i> Bell Tel. Co. Question of law.....	Dismissed
16171	G.T.R. <i>vs.</i> Bourassa of Laprairie, Que. Question of law and jurisdiction ..	Withdrawn
27524	G.N.W. Telegraph Co., submits for opinion of Court, a question of law involved in matter of General Order No. 162.....	Abandoned
13622	Government of Manitoba and J. S. Ashdown Hardware Co., <i>re</i> 15 per cent increase in freight rates. Question of jurisdiction.....	Abandoned
27840	C.P.R. <i>vs.</i> Department of Public Works for Ontario, <i>re</i> crossing in Tp. of Kirkpatrick. Question of law.....	Withdrawn
26981	Esquimalt and Nanaimo Railway <i>re</i> right of City of Victoria to have access over the bridge at Victoria Harbour. Question of jurisdiction.....	Abandoned
11118		

List of cases appealed to the Supreme Court of Canada, from February 1, 1904, to December 31, 1923.—*Concluded*

File No.	Subject	Decision
28439	Municipality of Burnaby, B.C. <i>vs.</i> British Columbia Electric Railway <i>re</i> commutation rates. Question of jurisdiction.....	Abandoned
28950	City of Toronto <i>vs.</i> Toronto Terminal Railway <i>re</i> pressure pipes under Bay, Scott and Yonge Streets, Toronto. Question of law.....	Dismissed
C. 3378	Application of Mr. Wagenast for a stated case in <i>re</i> Brampton commutation rates. Question of law.....	Dismissed
C. 2987	Ottawa Electric Railway against Order of the Board disallowing proposed increase in passenger rates. Question of jurisdiction.....	Allowed
21404-6	Board submits stated case for the opinion of the Court on question of jurisdiction in the matter of British Columbia Electric Railway Co.'s application for increased rates.....	Abandoned
28140 Pt. 2	Appeal of the C.P.R. Co. upon a question of law arising out of the application of the Department of Lands, Forests and Mines, Province of Ontario, for an Order directing the C.P.R. to provide and construct an overhead crossing at its own expense over its right of way between lots 6 and 7, Con. 1, Tp. of Eton, Ont. April 1, 1922. (Appeal allowed with cost.) (Question answered in the negative.).....	Allowed
30381	V.V. and E. Railway and Nav. Co. <i>vs.</i> Vancouver Harbour Commissioners and the Canadian National Railway Company, from Order of the Board No. 31647 dated 15th October, 1921. Question of jurisdiction.....	Dismissed

SUMMARY

Dismissed.....	30
Allowed.....	9
Abandoned.....	5
Withdrawn.....	3
Total.....	47

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LIST of Appeals to the Governor in Council, February 1, 1904, to December 31, 1923

File No.	Subject	Decision
399	Bay of Quinte Railway Crossing C.P.R. at Tweed, Ont.....	Allowed
1455	James Bay Railway vs. G.T.R., crossing near Beaverton.....	Dismissed
1781	G.T.R. vs. City of Chatham, Ont., Street crossings.....	Dismissed
12992	Maniwaki Branch of C.P.R., train service from Ottawa.....	Referred back
2030	Re tariffs of certain Yukon Railways.....	Dismissed
17716	C.P.R.—Longue Pointe Spur through town of Maisonneuve, Que.....	Dismissed
18787	South Hazelton Townsite vs. G.T.P.R.....	Referred back
3452-30	J. Y. Rochester re Cameron Bay vs. G.T.P.R.....	Dismissed
12912	Park Avenue Subway, Town of St. Louis, Que. vs. C.P.R.....	Dismissed
17040	Lambton to Weston Spur and C.P.R.....	Abandoned
C. 3322	Toronto Viaduct Case.....	Dismissed
12021-70	City of Toronto re North Toronto Grade Separation.....	Dismissed
16177	C.P.R. vs. Mountain Lumber Manufacturers' Association re lumber rates....	Withdrawn
19024	Charles Miller of Toronto vs. G.T.P.R. re station at Prince George, B.C....	Dismissed
17716-10	C.P.R. vs. Town of Maisonneuve, Quebec Highway Crossings.....	Dismissed
22681-25	City of Montreal vs. C.N.R. siding across Stadacona and Marlboro Streets, Montreal, Que.....	Abandoned
21418	City of Prince George, B.C. re location of G.T.P.R. station between Oak and Ash Streets.....	Dismissed
21660	C.N.O.R. vs. Twp. of Loughboro, Ont.....	Dismissed
26169	C.P.R. and C.N.R. Cos. re interswitching at Eastern Public Cattle Market, Montreal, Que.....	Abandoned
17040	C.P.R. re Lambton to Weston Spur (2nd Appeal).....	Referred back
27693	City of Hamilton vs. G.T.R. re passenger service on Northern and N.W. Branch, between Hamilton and Burlington Beach and Town of Burlington, Ont.....	Abandoned
27840	Winnipeg Board of Trade re 15 per cent increase in freight rates.....	Dismissed
28439-3	Town of St. Lambert, Que., re increase in rates on the M. & S.C. Ry.....	Dismissed
28230	City of Hamilton, Ont., re Kinnear Yard.....	Referred back
29040-2	National Dairy Council of Canada on behalf of Canadian Association of Ice Cream Manufacturers, re classification of ice cream.....	Referred back
C. 955	Proprietors' League of Montreal, re increase in Bell Telephone rates.....	Dismissed
30434	City of Windsor, Ont., for an Order rescinding Order of the Board No. 30028 authorizing C.P.R. to construct tracks of proposed freight shed at grade across unopened portion of Caron Avenue, Windsor, Ont.....	Dismissed
29996	City of Toronto against General Order No. 308 authorizing a general increase in freight rates.....	Referred back
C. 955	City of Toronto against Judgment of Board dated April 13, 1921, providing for increase in Bell Telephone rates.....	Abandoned
23092-2	C.N.Q. Railway Co., against Order No. 31312 re crossing Pointe aux Trembles, Terminal Railway at Pointe aux Trembles, Que.....	Pending
30380 Pt. 2	Appeal of the Corporation of the City of Toronto against the Ruling of the Board (Gen. Order No. 327) with respect to express rates.....	Dismissed
30380-13	Appeal of the National Dairy Council of Canada from the decision of the Board and for an Order for the cancellation of the 20 per cent increase in cream rates which was allowed temporarily to express companies on their application of July, 1920.....	Referred back
17112-27	Appeal of the Dominion Millers Association from the Judgment of the Board, dated March 6th 1922, in matter of flour arbitraries over wheat for export.....	Dismissed
29040-2	Appeal of the National Dairy Council of Canada on behalf of Canadian Ice Cream Manufacturers from Board's Order No. 28883, respecting express classification of ice cream.....	Dismissed
30686-2	Appeal of Provinces of Alberta and British Columbia to the Governor in Council from Order of the Board dated June 30, 1922 (G.O. 366) in the matter of railway tolls.....	Referred back
30380-13	National Dairy Council of Canada against ruling of the Board of November 21, 1922, re 20 per cent increase in cream rates.....	Allowed

SUMMARY

Dismissed.....	19
Referred back.....	8
Abandoned.....	5
Withdrawn.....	1
Allowed.....	2
Pending.....	1
Total.....	36

OTTAWA, January 18, 1924.

APPENDIX G

LIST of General Orders and Circulars of the Board for the Year Ending
December 31, 1923

GENERAL ORDER No. 374

In the matter of the General Order of the Board No. 370, dated September 6, 1922; and Rule 33 of the General Train and Interlocking Rules.

File No. 4135.70

TUESDAY, the 16th day of January, A.D. 1923.

Upon reading the submissions filed on behalf of the Canadian Pacific Railway Company and the Railway Association of Canada,—

The Board Orders: That the said General Order No. 370, dated September 6, 1922, be, and it is hereby, amended by striking out the last sentence thereof, and substituting in lieu thereof the words, "Where gates are provided, a red light must be displayed by night. In both cases such light shall be hooded so as to show along the highway only."

S. J. McLEAN,
Assistant Chief Commissioner.

GENERAL ORDER No. 375

In the matter of the application of the Bell Telephone Company of Canada, hereinafter called the "Applicant Company," under Section 375 of the Railway Act, 1919, for approval of general forms of contract to be entered into between the Applicant Company and any other company, municipality, or corporation having authority to construct or operate a telephone system or line; and for an order cancelling General Order No. 114, dated 12th November, 1913, made herein.

Case No. 538

SATURDAY, the 17th day of March, A.D. 1923.

Upon reading what is filed in support of the application, and the consents of the Ontario Railway and Municipal Board, the Public Service Commission of the Province of Quebec, and the Canadian Independent Telephone Company, filed; and upon the report and recommendation of its Assistant Chief Traffic Officer,—

The Board Orders as follows:—

1. That the Exchange and Toll Line form of Agreement (No. 650) and Service Station form of Agreement (No. 651), to be entered into between the applicant company and any other company, municipality, or corporation having authority to construct or operate a telephone system or line, on file with the Board under Case No. 538, be, and they are hereby, approved.

2. That the said General Order No. 114, dated November 12, 1913, made herein, be, and it is hereby, rescinded.

F. B. CARVELL,
Chief Commissioner.

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GENERAL ORDER No. 376

In the matter of the General Order of the Board No. 375, dated March 17, 1923, approving general forms of contract to be entered into between the Bell Telephone Company of Canada and any other company, municipality, or corporation having authority to construct or operate a telephone system or line.

Case No. 538

TUESDAY, the 27th day of March, A.D. 1923.

Upon reading what is filed on behalf of the Canadian Independent Telephone Company, Limited,—

The Board Orders: That the said General Order No. 375, dated March 17, 1923, be, and it is hereby, amended by striking out the word "Company," after the words "Canadian Independent Telephone," in the fourth line of the recital to the order, and substituting therefor the word "Association."

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 377

In the matter of the application of the Canadian Freight Association, on behalf of the railway companies subject to the jurisdiction of the Board, under Section 322 of the Railway Act, 1919, for approval of a proposed supplement No. 20 to the Canadian Freight Classification No. 16, adding to the specifications for wooden, cylindrical cheese boxes certain regulations as to the fastening of the covers thereof.

File No. 19367.132.3.

FRIDAY, the 6th day of April, A.D. 1923.

Whereas notice has been given by the railway companies in the *Canada Gazette*, as required by section 322 of the Railway Act, 1919, and to the mercantile organizations enumerated in the General Order of the Board No. 153, dated November 4, 1915; and upon consideration of the submissions filed, and the report and recommendation of its Chief Traffic Officer,—

The Board Orders: That the said proposed Supplement No. 20 to the Canadian Freight Classification No. 16 be, and the same is hereby approved.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 378

In the matter of the General Order of the Board No. 94, dated July 24, 1912, prescribing "Uniform Rules Governing the Determination of Visual Acuity, Colour Perception, and hearing of Railway Employees."

File No. 1750.17

FRIDAY, the 13th day of April, A.D. 1923.

Upon hearing the matter at the sittings of the Board held in Ottawa, November 21, 1922, the Canadian Pacific Railway Company and the Brotherhood of Locomotive Engineers being represented at the hearing, and what was alleged,—

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The Board Orders: That the said Uniform Rules Governing the Determination of Visual Acuity, Colour Perception, and Hearing of Railway Employees be, and they are hereby, amended by striking out the re-examination statement, under the heading "Standards of Visual Acuity," "Class B," and substituting in lieu thereof the following, namely:—

"20-30 combined not less than 20-50 in either eye without glasses. When combined vision without glasses is not less than 20-50, and either eye not less than 20-70, or nil, and by the aid of glasses combined vision can be brought to not less than 20-30, enginemen must wear glasses. See Rules 8, 9, 10, 13, 15, 17, and 18."

2. That all the railway companies subject to the jurisdiction of the Board reprint their General Instructions, quoting the said General Order No. 94 as amended herein.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 379

In the matter of the General Order of the Board No. 289, dated March 24, 1920, prescribing rules relative to the inspection of locomotives and tenders, attached thereto marked "A."

File No. 21351.1

WEDNESDAY, the 4th day of April, A.D. 1923.

Upon reading the report and recommendation of its Chief Operating Officer,—

The Board Orders: That the "Rules Relative to the Inspection of Locomotives and Tenders," prescribed by the said General Order No. 289, be, and they are hereby, amended by striking out the last paragraph thereof and inserting in lieu thereof the following, namely:—

"*Pilots.*—All locomotives in road service, excepting engines operating in strictly international service on the lines of the Boston and Maine, Maine Central, Rutland, New York Central, and Great Northern Railway Companies, shall be equipped with pilots projecting not less than $24\frac{1}{2}$ inches from the back of the upright which the pilot is built on, to the nose of the pilots; the minimum height from the rail to be 3 inches; and the maximum 6 inches. Pilots shall be securely attached, adequately braced, and maintained in a safe and suitable condition for service. All such locomotives shall be fully equipped by December 31, 1925."

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 380

In the matter of the application of the Canadian National Railway Company, hereinafter called the "Applicant Company," for authority to cancel the arrangement erroneously published, effective February 1, 1923, in Tariff C.R.C. No. E—4411, with regard to milling in transit arrangement on peas.

SESSIONAL PAPER No. 33

File No. 32580

WEDNESDAY, the 16th day of May, A.D. 1923.

Upon hearing the application at the sittings of the Board held in Ottawa, May 15, 1923, the applicant company, the Toronto and Montreal Boards of Trade, the Canadian Manufacturers' Association, Cannors Seeds, Limited, and H. Murton, Limited, being represented at the hearing, and what was alleged,—

The Board Orders: That the applicant company be, and it is hereby, authorized to cancel the said arrangement in Tariff C.R.C. No. E-4411, with regard to milling in transit arrangement on peas; and that the right be reserved to any interested party prepared to substantiate the claim that peas should be given the milling in transit rate, to apply to the Board for an order requiring the railway companies within the legislative authority of the Parliament of Canada to amend their tariffs accordingly.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 381

In the matter of Reduced Rates and Free Transportation, and the interpretation of the word "traffic" in the first line of Section 345 (1) (a), in its relation to the remainder of the said subsection:

File No. 496-38-1.

FRIDAY, the 18th day of May, A.D. 1923.

Upon hearing the matter at the sittings of the Board held in Ottawa, February 20, 1923, the Railway Association of Canada, the Canada Pacific and Canadian National Railway Companies, the Dominion Express Company, Canadian Pacific Railway Company's Telegraph, Canadian National Express Company, and the Canadian National Telegraphs being represented at the hearing, and what was alleged,—

The Board declares: That the word "traffic" in the first line of section 345 (1) (a) of the Railway Act, 1919, should be read as though preceded by the word "freight".

S. J. McLEAN,
Assistant Chief Commissioner.

GENERAL ORDER No. 382

In the matter of the application of the Railway Association of Canada, on behalf of member railways, for a modification of the Regulations for the Transportation of Explosives and other Dangerous Articles by Freight, prescribed and approved under General Orders Nos. 203, 204 and 206, dated respectively August 11 and September 7, 1917, by a revision of paragraph 1685 of the said regulations to read as follows:—"On lines where regular trains are operated for freight service only, cars containing explosives must not be hauled in a train that carries passengers. Where only a mixed train service is operated, or where passengers are carried in the caboose car of a freight train, a car containing a freight shipment of explosives may be hauled when so placed in the train that not less than three freight cars are between it and the car carrying passengers, and whenever it is practicable to do so, such car or cars must be placed between freight cars not bearing "Acid" or "Inflammable" placards. Cars containing explosives must have air and hand brakes in service.

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File No. 1717

FRIDAY, the 11th day of May, A.D. 1923.

Upon hearing the application at the sittings of the Board held in Ottawa, February 7, 1923, the applicant association being represented at the hearing, and what was alleged; and upon the report and recommendation of its Chief Operating Officer,—

The Board Orders: That paragraph 1685 of the Rules and Regulations approved by the said General Order No. 204, dated August 11, 1917, be struck out and the following substituted in lieu thereof, namely:—

“1685. (1) On lines where regular trains are operating in freight service only, cars containing explosives must not be hauled in a train that carries passengers.

“(2) Where only a mixed train service is operated, or where passengers are carried in a caboose car of a freight train—

“(a) a car containing a shipment of explosives (not exceeding 5,000 pounds) may be hauled, provided the explosives are contained in but one car, the said car to be so placed in the train that not less than six freight cars are between it and the car carrying passengers and not less than two freight cars between it and the locomotive hauling the train;

“(b) a car containing a freight shipment of explosives (not exceeding 1,000 pounds) may be hauled, provided the said car be so placed in the train that not less than three freight cars are between it and the car carrying passengers and not less than one freight car between it and the locomotive hauling the train.

“(c) Provided, further, that in the case of a shipment exceeding 5,000 pounds, or should there be two or more cars containing explosives at any one time, a special train must be run to carry such shipments over the Branch or Mixed Train run.

“(d) Whenever it is practicable to do so, cars containing explosives must be placed between freight cars not bearing “acid” or “flammable” placards. Cars containing explosives must have air and hand brakes in service”.

S. J. McLEAN,

Assistant Chief Commissioner.

GENERAL ORDER No. 383

In the matter of the General Order of the Board, No. 124, dated April 30, 1914, prescribing the Regulations Governing the Operation by Railway Companies subject to the jurisdiction of the Board, of draw, swing, or bascule bridges over navigable waters.

File No. 10291.

TUESDAY, the 12th day of June, A.D. 1923.

Upon reading the draft report to Council, dated May 14, 1923, filed, and the report of its Chief Engineer,—

The Board Orders: That the said General Order No. 124, dated April 30, 1914, be, and it is hereby, amended by striking out paragraph 3 and substituting in lieu thereof the following, namely:—

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“3. The signal to be given by steamer to have a swing-bridge opened shall be three long whistles.”

S. J. McLEAN,

Assistant Chief Commissioner.

GENERAL ORDER No. 384

In the matter of the rates on grain from points in the Provinces of Alberta, Saskatchewan, and Manitoba to Vancouver and other British Columbia Coast points for export.

File No. 30686.2.

WEDNESDAY, the 10th day of October, A.D. 1923.

Whereas, by Order in Council P. C. No. 2007, dated the 2nd day of October, 1923, the Governor in Council referred the subject of the said export grain rates from points in the said provinces to Vancouver and other British Columbia coast points, to the Board for immediate determination and such effective action as the Board may deem necessary;

After fully considering the matter, and applying the principles set forth in the judgment of the Board, dated October 10, 1923, and for the reasons therein contained,—

The Board Orders: That the currant rates on grain and grain products to Pacific coast ports for export be reduced uniformly ten per cent; and that all the railway companies subject to the jurisdiction of the Board file tariffs, effective not later than October 22, 1923, showing such reduction; also that all milling, malting, storage, cleaning, or bagging in transit privileges on grain now contained in the tariffs be unaffected by this order.

2. In applying the said rates, fractions shall be disposed of as provided for in Order in Council P.C. No. 1863, dated July 27, 1918.

F. B. CARVELL,

Chief Commissioner.

GENERAL ORDER No. 385

In the matter of the General Order of the Board No. 289, dated March 24, 1920, prescribing the rules to be adopted by the railway companies subject to the jurisdiction of the Board, with regard to the inspection of locomotives and tenders.

File No. 21351.4.

Friday, the 9th day of November, A.D. 1923.

Upon the report and recommendation of the Mechanical Appliance Specialist of the Board, concurred in by its Chief Operating Officer; and reading the submissions filed on behalf of the Canadian National, Canadian Pacific, Toronto, Hamilton and Buffalo Railway Companies, and the Railway Association of Canada,—

The Board Orders: That the said rules relative to the inspection of locomotives and tenders, as approved under General Order No. 289, dated March 24, 1920, be, and they are hereby amended by adding at the end thereof the following paragraphs, namely:—

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TENDERS

- “(a) Feed Water Tanks.—Tanks shall be maintained free from leaks and in safe and suitable condition for service. Suitable screens shall be provided for tank wells or tank hose.
- “(b) Not less frequently than once each month, the interior of the tank shall be inspected, and cleaned if necessary.
- “(c) Top of tender behind fuel space and the running boards on coal hopper type tender shall be kept clean. Suitable covers shall be provided for the filling holes; and, where a coping is in use behind fuel space, means must be provided to carry off waste water.”

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 386

In the matter of the Regulations for the Transportation of Explosives and other Dangerous Articles by Freight, as prescribed and approved under the General Orders of the Board Nos. 203, 204, and 206.

File No. 1717.1.3.

MONDAY, the 10th day of December, A.D. 1923.

Upon the report and recommendation of its Assistant Chief Traffic Officer,—

The Board Orders: That section 27 of shipping container specifications No. 6 as published in the said Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight, be, and it is hereby, cancelled, and the following substituted therefor, namely:—

“27. Cases constructed of solid fibre millboard composed of not less than 50 per cent sulphite fibre must have heads flanged out, both flanges being stitched to the case, sides, top, and bottom, with flat wire not less than $\frac{1}{8}$ -inch wide and of suitable thickness spaced not more than $1\frac{1}{2}$ inches apart; the width of flanges on heads and diaphragms must not be less than 1 inch, including the fillet: Provided that closing by means of end flaps and gluing, as specified in paragraphs 20 and 26, is also permitted.”

S. J. McLEAN,
Assistant Chief Commissioner.

CIRCULAR No. 198

OTTAWA, January 16, 1923.

In re uniform code of train rules in Canada.

File No. 4135.100

I am directed to inform you that the Board has before it a memo., from the Dominion Legislative Board of the Brotherhood of Locomotive Engineers, requesting that all orders, circulars or rules of the Board, effecting the movement of trains be placed in bulletin books, and to ask for your company's views in regard thereto.

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I am further directed to state that without in any way making any suggestion by way of limiting the liability of the railway in respect of having such information brought to the attention of its employees, the Board understands that a system of having a book provided for the bulletin itself to be pasted and provision for the signature of the employees, and for the hour and date of reading being noted as a matter of receipt and record, has worked satisfactorily.

By Order of the Board.

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 199

OTTAWA, January 16, 1923.

In re Section 285 of the Railway Act, 1919—Notice of Accidents to be sent to the Board.

File No. 45

I am directed by the Board to request that all railway companies subject to its jurisdiction make submissions of their respective views as to what amendments to the Board's General Order No. 361 in their opinion should be made with the object of dispensing with the necessity of reporting accidents to the Board attended with minor or trivial injuries.

By Order of the Board.

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 200

OTTAWA, April 4, 1923.

Re cars containing wood, lumber, piles, poles, etc., being placed five cars from engine on trains passing through tunnels.

File No. 31854

I am directed to inform you that the Board directs that on trains passing through tunnels, more than 500 feet in length, open cars loaded with wood, lumber, piles, poles, etc., shall not be placed next to the engine; and, if sufficient box cars are available, at least three of such shall be placed between the engine and such loaded timber cars on such a movement.

By Order of the Board.

A. D. CARTWRIGHT,
Secretary.

CIRCULAR No. 201

OTTAWA, March 30, 1923.

Contracts, etc., Limiting Carriers' Liability

File No. 496.43

I am directed by the Board to request the filing by all railways subject to its jurisdiction, on or before May 1, 1923, of copies of all forms, contracts or releases, at present in use, which in any way limit the liability of the company, includ-

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ing pass forms and circus contracts, but omitting passenger tickets, baggage checks and bills of lading.

By order of the Board,

A. D. CARTWRIGHT,

Secretary.

CIRCULAR No. 202

OTTAWA, April 18, 1923.

Re Use of Deckless Engines in Road Service

File No. 31840

The resolution quoted below was submitted to the Board by the legislative representatives of the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen and Enginemen:—

“The use of deckless engines in road service to be restricted (deckless engines are those with boiler extending back to end of engine frame and wing casting, leaving no footplate for enginemen except that provided for on front of tender).”

After investigation the Board rules that no more of this type of locomotive shall be put into service on railways under the jurisdiction of the Board, except upon application and approval; and that such locomotives as are now in road service on the different railways be worked into switching service as the opportunity offers.

By order of the Board,

A. D. CARTWRIGHT,

Secretary.

CIRCULAR No. 203

OTTAWA, May 18, 1923.

Uniform rule for application of mileage rates on carload freight from loading sidings when mileage not published

File No. 8815.2

Inquiry has been received by the Board which involves the question, how should the distance be computed from loading sidings located between stations with regard to carload traffic carried under tariffs naming mileage rates, said loading sidings not being shown in the official distance tariffs of the railway companies?

The Board is of the opinion that there should be a uniform practice in such cases and I am directed to ask that you advise promptly if you have any objections to the issuance by the Board of an order requiring:—

1. Publication of an amendment to official distance tariffs issued in compliance with the Board's Order No. 5954, dated December 21, 1908 (General Order No. 23, file No. 8815), by adding thereto a rule reading:—

“In computing the distance governing traffic handled under mileage rates from loading sidings not named herein, that applicable from the nearest station thereto shall be used.”

2. Publication, where not already done, of the following clause in tariffs naming mileage rates:—

“In computing distance rates under this tariff, distances shown in official distance table No., C.R.C. No., supplements thereto, and reissues thereof, will apply.”

By order of the Board,

A. D. CARTWRIGHT,

Secretary.

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